

AN ORDINANCE CONCERNING THE PLACEMENT
OF SIGNS WITHIN THE CITY LIMITS
OF FORT WAYNE, INDIANA.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1: That Chapter 34 of the Municipal Code of
the City of Fort Wayne is repealed.

SECTION 2: That Chapter 33 of the Municipal Code of
Fort Wayne is hereby amended to add as follows:

ARTICLE XII Sign Ordinance

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33.65 Purpose
The purpose of this ordinance shall be to coordinate the type, placement, and physical dimensions of signs within the different zoning districts; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; to guarantee equal treatment under the law through accurate record keeping and consistent enforcement; to protect and promote property values of the community; and to improve the appearance and aesthetic quality of the community.

33.66 Definitions
For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(A) Area of Sign shall mean the area in square feet of the

smallest, simplest, single geometric figure which encloses the area which forms the outside shape of the sign face.

- (B) **Construction Sign** shall mean any sign announcing the names of architects, engineers, contractors or other individuals or firms involved with the construction, alteration, or repair of a building project or announcing the character of the building enterprise or the purpose for which the project is intended.
- (C) **Development Parcel** shall mean a combined use of parcels and/or lots in singular and/or common ownership which has shared development characteristics, such as but not limited to parking, access, and/or service areas.
- (D) **Direction Sign** shall mean any sign which serves solely to designate the location or direction of any area or place.
- (E) **Directory Sign** shall mean a sign which provides a listing of uses or tenants within a particular building or complex of buildings.
- (F) **Facade** shall mean any face of a building which faces a street, private roadway, parking lot, or pedestrian walkway.
- (G) **Flashing Sign** shall mean any sign which flashes or appears to flash by a powered light source.
- (H) **Free-standing Sign** shall mean a sign that is erected on a frame, mast or pole which is not attached to a building.
- (I) **Height of a Sign** shall mean the distance between the lowest grade level within two (2) feet of either side of a sign, and the highest part of the sign or its supporting structure;
- (J) **Lineal**, for purposes of this ordinance, shall mean a distance in any direction along frontage on both sides of a street and cross streets. This term shall not apply to signs located on parallel streets.
- (K) **Marquee Sign** shall mean a sign designed and/or constructed as an integral part of a marquee or giving the appearance of being an integral part of a marquee. Marquee signs shall also include canopy and awning signs.
- (L) **Mobile Sign** shall mean a sign which is designed to be moved from one location to another, and is not permanently affixed to the ground or to a structure that is permanently affixed to the ground.
- (M) **Off-Premise Sign** shall mean any sign which identifies or directs attention to a product, service, or activity or business not conducted on the premises on which the sign is located.
- (N) **On-Premise Sign** shall mean any sign which identifies or

directs attention to a product, service, activity or business conducted on the premises on which the sign is located.

(O) **Projecting Sign** shall mean a sign other than a wall sign which is attached to and projects from a structure or building face and does not project above the roof line or the cornice wall;

(P) **Sign** shall mean any identification, description, symbol, illustration or device which is in view of the general public and which identifies or directs attention to a person, place, product, service, activity, institution or business.

(Q) **Top Roof Line** shall mean the principle top edge of the roof of a building;

(R) **Wall Sign** shall mean any sign attached or affixed to the wall of a building which projects no more than twelve (12) inches from said wall surface;

33.67 - Requirement of Permit

An Improvement Location Permit shall be required before the erection, construction, placing or locating of all signs regulated by this ordinance, except as otherwise exempted in this Chapter.

33.68 - Maintenance and Removal

All signs, including, but not limited to, those signs for which permits are required, shall be maintained in a good state of repair, including replacement of defective parts, painting, cleaning and other acts required for the maintenance of said sign.

The Division of Community & Economic Development shall have the right of entry in order to inspect all signs for compliance with the provisions of this ordinance.

When any sign is not maintained within the provisions of this ordinance or determined otherwise unsafe, the Division of Community & Economic Development, or their authorized representative, shall send written notice to the owner of the property on which the sign is located to remove, repair or alter the sign. If said sign is not removed, repaired, or altered within 90 calendar days, the Division of Community & Economic Development, or their authorized representative, can cause the sign to be removed, repaired, or altered at the expense of the owner of the property in accordance with the provisions of this Chapter and as set forth under 33.83.

33.69 - Miscellaneous Provisions

(A) No sign or part thereof shall be erected or maintained except in conformance with the provisions of this Chapter:

(B) Signs may be illuminated by an external light source, provided that the source shall be effectively concealed from view. Signs which incorporate in any manner any

flashing, moving or revolving illumination are not permitted except as provided in this Chapter and provided that the illumination of any sign shall not exceed 300 foot lamberts as measured at any point on the property line upon which the sign is located;

(C) No sign shall blink or flash, nor be illuminated by any device so as to appear to blink or flash, except as otherwise expressly provided in this Chapter;

(D) No sign shall be erected upon, maintained in, encroach upon or overhang any public right-of-way without the approval of the Board of Public Works, except as expressly provided in this Chapter and State and Federal law as amended. However, all other applicable standards of this Chapter shall apply.

(E) The area of a V-type sign not exceeding an angle of sixty degrees (60°) is calculated on one face of the sign only;

(F) No sign shall be painted on or attached to rocks, trees, or any other natural object, except monument signs;

(G) Sign regulations for uses permitted by the Board of Zoning Appeals, and/or non-conforming uses shall be as follows:

(1) Pursuant to the restrictions and regulations for the signs in the district in which located, or

(2) A wall and/or free standing sign of up to thirty-two (32) square feet in area. A free standing sign shall neither exceed six (6) feet in height nor have a front and side yard setback of less than five (5) feet.

This sub-section shall not have precedent over any direct stipulations imposed by the Board of Zoning Appeals.

(H) Strings of light bulbs are prohibited, unless as decorations associated with a recognized legal holiday or city festival, in no case to be permitted beyond a forty-five (45) day period, and consistent with all other regulations in this Chapter;

(I) One mobile sign per development parcel may be located in B-1A, B-1B, B-3B, B-4, M-1, M-2 and M-3 districts. Such sign shall be permitted up to two (2) times a calendar year not to exceed thirty (30) days per permit. Such sign shall be located a minimum of five (5) feet from any lot line and shall not exceed thirty-two (32) square feet in area;

(J) In all nonresidential zoning districts, a roof sign may be permitted as an alternative to a permitted free-standing sign under the following conditions:

(1) The business for which the roof sign is sought offers no feasible opportunity for placement of a

free-standing sign as otherwise authorized within the zoning district;

- (2) The roof signs shall not be higher than the district height limitation for buildings;
 - (3) All such roof signs shall be finished in such a manner that the visual appearance from all sides is that they are a part of the building itself;
 - (4) A sign on a sloping roof must be a minimum of one (1) foot below the top roof line;
 - (5) The permitted roof sign shall be no larger in area than the free standing sign permitted in the zoning district in which said sign is to be located;
 - (6) Such sign shall not be located closer than sixty (60) feet to a residential district.
- (K) On-premise free-standing signs shall be located a minimum of one hundred (100) feet from all residentially zoned districts.
- A free-standing sign may be installed less than one hundred (100) feet from a residentially-zoned district provided the sign height and square footage is reduced in direct proportion to the distance the sign is located from a residential district. In no event shall a sign be permitted closer than twenty-five (25) feet to a residentially-zoned district;
- (L) Unless the term "lineal" as defined and used in this ordinance is specifically stated in any particular subsection, the means of measurement shall be determined on a radial basis.
- (M) Radial measurements as used in this ordinance shall start from the center of the sign base at grade, and extend outward in a circular manner for the distance specified.
- (N) Lineal measurements as used in this ordinance shall start from the center of the sign base at grade as projected at a right angle to the nearest right-of-way line, and then extend as specified. Where the center of the sign base is equidistance from two or more right-of-way lines, the more restrictive limitation shall be applied.
- (O) As used in this ordinance, the Central Business District shall be defined as that area bounded by the old Penn Central railroad right-of-way to the south (located south of Baker Street), Clay Street to the east, Van Buren Street to the west, and the river to the north. The Central Business District has a unique identity and contains special physical conditions found nowhere else in the city. Because the Central Business District is such a unique and individual environment, it is not in the best interest of the revitalization efforts that are ongoing in this area to permit off-

premise signs. Therefore off-premise signs as defined in this Ordinance shall not be permitted in the Central Business District.

(P) Off-premise signs located within a three hundred fifty (350) foot radius from any City or County residential district, church, school, health care facility, or from any historic district (or property eligible for historic designation) shall require Board of Zoning Appeals approval prior to the issuance of an Improvement Location Permit. Applicants should refer to Sec. 33-13 (m) for specific details and procedure.

33.70 - Permitted Signs: Residential Districts

RA, RB, R-1, R-2, and R-3, ZONING DISTRICTS.

One on-premise wall sign, not to exceed one (1) square foot of copy area, non-illuminated and nonreflecting, used to identify block parents, the name of the premises or occupants thereof, or to provide similar information is permitted, with the exception of signs expressly permitted under Section 33.68 (G).

33.71 - Permitted Signs: Office District

(A) POD ZONING DISTRICT

- (1) One on-premise wall sign for each main building, not to exceed fifty (50) square feet, limited to identifying the building or activity being conducted on the premises, is permitted per street frontage.
- (2) One on-premise free-standing sign per entrance, identifying the name of the office park or activity conducted within the district shall be permitted. Such sign shall not exceed thirty-two (32) square feet in area, shall have a maximum height of six (6) feet, and shall be permitted with a five (5) foot setback from the front lot line. Such sign shall not face any residential district fifty (50) feet away.
- (3) If there is more than one building, a freestanding directory sign is permitted for each building. Such sign shall be located in the interior of the development with a maximum height of six (6) feet and may not exceed fifty (50) square feet in total area.
- (4) Any proposed sign other than as permitted above shall be subject to City Plan Commission review as part of the development plan process. The sign regulation in sub-paragraphs (1), (2), and (3) above may be modified by the Plan Commission with the granting of development plan approval in conformance with the other requirements of the POD zoning district and other development plan procedures.
- (5) Pre-existing Signs Any sign that was legally

erected in this district prior to November 6, 1986 shall be deemed to have received Plan Commission approval as herein required and shall not be a non-conforming sign. Such sign may be converted without Plan Commission approval for new tenants, as long as the location and copy area remains the same or less than that of the pre-existing sign.

33.72 - Permitted Signs: Business Districts

(A) B-1A And B-1B ZONING DISTRICT

- (1) On-premise wall sign(s) on building facades, attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting beyond or above the roof or top of the cornice wall, are permitted. The copy area of such wall sign(s) per building facade shall not exceed one hundred (100) square feet .
- (2) One on-premise free-standing sign per development parcel per street frontage is permitted.
 - (i) The free-standing sign shall not exceed one hundred (100) square feet in area and not exceed thirty-five (35) feet in height. Such sign may be located a minimum of five (5) feet from any front and side lot line.
 - (ii) See Section 33-69 (K) for residential spacing requirements.
- (3) In lieu of the sign permitted in paragraph (2), above, one on-premise projecting sign is permitted. Said projecting sign may project from a building a maximum of six (6) feet and may project into a required front yard. Such sign shall have a minimum ground clearance of eight (8) feet above the walk or grade below. The maximum area of such sign shall be forty (40) square feet.

Where more than one business is located on the development parcel, the on-premise projection signs shall be combined, and resultant sign shall not exceed seventy-five (75) square feet in total area.
- (4) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice or roof of the building.
- (5) Off-premise signs not exceeding one hundred (100) square feet in total area are permitted except in the Central Business District.

- 1 (i) Each off-premise sign may contain a maximum of
2 two (2) sign faces facing the same direction
3 as long as the total sign area is not exceeded
4 and the two (2) faces are not separated by
5 more than twelve (12) inch distance.
6
7 (ii) Such sign shall be no closer than fifteen (15)
8 feet to the front lot line, and shall not
9 exceed thirty-five (35) feet in height.
10
11 (iii) Such sign shall be spaced at least three
12 hundred (300) lineal feet from any other
13 off-premise sign.
14
15 (iv) Subject to Sec. 33.69, such off-premise sign
16 shall not be located within a one hundred
17 twenty-five (125) foot radius nor within three
18 hundred (300) lineal feet from any City or
19 County residential district or from any
20 church, school, health care facility, historic
21 district (or property eligible for historic
22 designation). Such off-premise sign shall not
23 be located closer than one hundred fifty
24 (150) lineal feet from any City or County
25 office district.
26
27 (v) A double-faced off-premise sign or a V-type
28 off-premise sign not exceeding an angle of
29 sixty degrees (60°) and not further than
30 twelve (12) inch at the closest point between
31 the two faces shall be exempt from the spacing
32 requirements between such two sign faces only.

17 (B) B-2 ZONING DISTRICT

18 In the B-2 zoning district, only on-premise signs are
19 permitted.

- 20 (1) Except as provided herein, all signs shall be
21 attached to a building and shall not project above
22 the top of the building to which they are
23 attached. Signs attached to a building shall be
24 substantially parallel thereto and shall not
25 project more than one (1) foot from the face
26 thereof. All signs must show only the name and use
27 of the store or premise for which they are erected
28 or the identification for the entire commercial
29 area. The copy area of wall signs per store facade
30 shall not exceed twenty-five percent (25%)
31 coverage of the wall surface or the square footage
32 of a free-standing sign in that district, whichever
is less.
(2) One on-premise free-standing sign identifying the
entire commercial area and not exceeding the
maximum square footage in area or height as

provided in this section may be permitted on each public street abutting the perimeter of such district. If the frontage along a public street exceeds eight hundred (800) feet, there may be two free-standing signs permitted but not located closer than five hundred (500) feet from any other free-standing sign. In addition, any single user commercial pad area within the district which has an area of one (1) acre or more shall be permitted one on-premise free-standing sign, not exceeding thirty-five (35) square feet in area and four (4) feet in height.

Conforming signs are permitted in the required front yard but not closer than five (5) feet from the front property line. The maximum square footage and height for signs in each district shall be:

B-2A -	Area: 200 square feet Height: 35 feet
B-2B & B-2C -	Area: 300 square feet Height: 40 feet
B-2D -	Area: 400 square feet Height: 50 feet

(3) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.

(4) Any proposed signs other than as permitted above shall be subject to Plan Commission review and approval as part of the development plan process. The sign regulations in subparagraph (1), (2), and (3) above may be modified by the Plan Commission with the granting of Development Plan approval in conformance with all other requirements of the applicable Development Plan procedures.

(5) Pre-existing Signs: Any on-premise sign that was legally erected in this district prior to November 6, 1986 shall be deemed to have received Plan Commission approval as herein required and shall not be a nonconforming sign. Such sign may be converted without Plan Commission approval for new tenants, as long as the location and copy area remains the same or less than that of pre-existing sign.

C) B-3-A ZONING DISTRICT

In the B-3-A zoning district only on-premise signs are permitted.

1 (1) One on-premise marquee sign may be attached to the
2 marquee but not extend into or over the public
3 right-of-way, provided such signs do not exceed
4 five (5) feet in height and may extend as long as
5 the marquee. Those signs projecting above or
6 below the marquee shall be erected at a ninety
7 degree (90°) angle to the building, and shall
8 project no more than six (6) feet. The sign shall
9 not project above the cornice wall or roof of the
10 building.

11 (2) On-premise wall signs on building facades attached
12 to the face of the building, or mansard roof or
13 substantially parallel thereto and not projecting
14 above or beyond the roof or top of the cornice
15 wall, are permitted. Such wall signs shall
16 project not more than twelve (12) inches from the
17 facade of the building. The copy area of such
18 wall signs per building facade shall be as
19 follows:

20 (i) If the sign is located up to fifty (50) feet
21 height above the sidewalk, it shall not
22 exceed fifty (50) square feet;

23 (ii) If the sign is located over fifty (50) feet
24 but less than one hundred (100) feet above
25 the sidewalk, it shall not exceed one hundred
26 (100) square feet;

27 (iii) If the sign is located over one hundred (100)
28 feet above the sidewalk, it shall not exceed
29 three hundred (300) square feet.

30 (3) One on-premise free-standing sign per development
31 parcel per street frontage is permitted. Such
32 sign shall not exceed one hundred (100) square
33 feet in area and shall have a maximum height of
34 thirty five (35) feet, and shall be located a
35 minimum of five (5) feet from the front lot line
36 and five (5) feet from the side lot line.

37 (4) See Section 33-69 (K) for residential spacing
38 requirements.

39 (5) Strings of light bulbs may be used and signs may
40 blink or flash, except for the area covered by the
41 Calhoun Street Sign Ordinance. Signs having
42 electronically changing copy area shall not exceed
43 the provisions of paragraph (1) and (2) above.

44 (6) Signs located in the Calhoun Street Transit Mall
45 shall comply with the Calhoun Street Sign
46 Ordinance, Chapter 3.5 of the Code of the City of
47 Fort Wayne as well as this Ordinance. In the
48 event of conflict between this ordinance and the
49 Calhoun Street Ordinance, the Calhoun Street
50 Ordinance will apply.

51 (D) B-3B and B-4 ZONING DISTRICTS

52 (1) On-premise wall signs on the building facades or

mansard roof, substantially parallel thereto, and not projecting beyond the roof or top of the cornice wall, are permitted. The copy of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face, or two hundred fifty (250) square feet whichever is less.

(2) One on-premise free-standing sign per developed per street frontage is permitted.

(i) The free-standing sign shall not exceed two hundred fifty (250) square feet in area and a maximum height of fifty (50) feet.

(ii) The signs shall be no closer than five (5) feet to the front property line and no closer than five (5) feet to the side property line.

(iii) See Section 33-69 (K) for residential spacing requirements.

(3) In lieu of the sign permitted in paragraph (2) above, one on-premise projecting sign for each business may project from the building a maximum of six (6) feet and shall not project above the roof line or top of a cornice wall. Such sign shall have a minimum clearance of eight (8) feet above the walk or grade below, and a maximum area of fifty (50) square feet.

Where more than one business is located on the development parcel, the on-premise projecting signs shall be combined. The combined sign shall not exceed one hundred (100) square feet in total area.

(4) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.

(5) Off-premise signs are permitted as follows:

(i) Subject to Sec. 33.69, Off-premise signs not exceeding one hundred (100) square feet in area are permitted except in the Central Business District. Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total sign area is not exceeded and the two (2) faces are not separated by more than a 12 inch distance. Such sign shall be no closer than fifteen (15) feet to the front lot line and shall not exceed thirty-five (35) feet

in height. Such sign shall be spaced at least three hundred (300) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets. Such off-premise sign shall not be located within a one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school, health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office district.

- (ii) In lieu of item (i) above, and subject to Sec. 33.69, off-premise signs not exceeding three hundred (300) square feet in total area are permitted except in the Central Business District. Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total area is not exceeded and the two (2) faces are not separated by more than a twelve (12) inch distance. Such sign shall be no closer than twenty (20) feet to the front lot line, and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least five hundred (500) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise sign shall not be located within a one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school, health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office district.

- (iii) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and no further than twelve (12) inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

33.73 - Permitted Signs: Industrial Districts

(A) M-1, M-2, AND M-3 ZONING DISTRICTS.

- (1) On-premise wall signs, attached to the face of the building, or mansard roof or substantially

1 parallel thereto and not projecting above or beyond
2 the roof or top of the cornice wall, are
3 permitted. The copy area of such wall signs per
4 building facade shall not exceed thirty percent (30%)
5 coverage of the wall face or three hundred (300)
6 square feet, whichever is less.

7 (2) One on-premise free-standing sign on each street
8 frontage per development parcel is permitted.

9 (i) The sign shall not exceed three hundred (300)
10 square feet in area and fifty (50) feet in
11 height.

12 (ii) The sign shall be located no closer than five
13 (5) feet from the front lot line and five (5)
14 feet from the side lot line.

15 (iii) See Section 33-69 (K) for residential spacing
16 requirements.

17 (3) One on-premise marquee sign may be attached to the
18 marquee but not extend into or over the public
19 right-of-way, provided such signs do not exceed
20 five (5) feet in height and may extend as long as
21 the marquee. Those signs projecting above or below
22 the marquee shall be erected at a ninety degree
23 (90°) angle to the building, and shall project no
24 more than six (6) feet with a minimum clearance of
25 eight (8) feet above the walk or grade below. The
26 sign shall not project above the cornice wall or
27 roof of the building.

28 (4) In lieu of the sign permitted in paragraphs (2) and
29 (3) above, one on-premise projecting sign for each
30 business may be substituted. Such projecting sign
31 may project from the building a maximum of eight
32 (8) feet and shall not project above the roofline
or top of a cornice wall. Such sign shall have a
minimum clearance of eight (8) feet above the walk
or grade below and a maximum area of forty (40)
square feet.

(5) Off-premise signs are permitted as follows:

(i) Subject to Sec. 33.69, Off-premise signs not
exceeding one hundred (100) square feet in
total area are permitted except in the Central
Business District. Such sign shall be no
closer than fifteen (15) feet to the front lot
line and shall not exceed thirty-five (35)
feet in height. Such sign shall be spaced at
least three hundred (300) lineal feet from
any other off-premise sign in any direction
along frontage on both sides of a street and
cross streets.

Such sign shall not be located within a one
hundred twenty-five (125) foot radius nor
within three hundred (300) lineal feet from
any City or County residential district or
from any church,

1 school, health care facility, historic
2 district (or property eligible for historic
3 designation). Such off-premise sign shall not
4 be located closer than one hundred fifty (150)
5 lineal feet from any City or County office
6 district.

7 (ii) In lieu of item (i) above, and subject to Sec.
8 33.69, off-premise signs not exceeding three
9 hundred (300) square feet in total area are
10 permitted except in the Central Business
11 District. Such sign shall be no closer than
12 twenty (20) feet to the front lot line and
13 shall not exceed thirty-five (35) feet in
14 height. Such sign shall be spaced at least
15 five hundred (500) lineal feet from any other
16 off-premise sign in any direction along
17 frontage on both sides of a street and cross
18 streets.

19 Such off-premise sign shall not be located
20 within a one hundred twenty-five (125) foot
21 radius nor within three hundred (300) lineal
22 feet from any City or County residential
23 district or from any church, school, health
24 care facility, historic district (or property
25 eligible for historic designation). Such off-
26 premise sign shall not be located closer than
27 one hundred fifty (150) lineal feet from any
28 City or County office district.

29 (iii) In lieu of items (i) and (ii) above, and
30 subject to Sec. 33.69, off-premise signs not
31 exceeding six hundred seventy-five (675)
32 square feet in area are permitted except in
the Central Business District. Such signs
shall be no closer than thirty (30) feet to
the front lot line, shall not exceed a height
of thirty-five (35) feet and shall be spaced
at least one thousand (1000) lineal feet from
any other off-premise sign in any direction
along frontage on both sides of a street and
cross streets.

Such off-premise signs shall not be located
within a two hundred fifty (250) foot radius
nor within five hundred (500) lineal feet from
any City or County residential district or
from any church, school, health care
facility, historic district (or property
eligible for historic designation). Such off-
premise sign shall not be located closer than
one hundred fifty (150) lineal feet from any
City or County office district.

(iv) A double-faced off-premise sign or a V-type
off-premise sign not exceeding an angle of
sixty degree (60°) and no further apart than
twelve (12) inches at the closest point

between the two faces shall be exempt from the spacing requirements between such two sign faces only.

33.74 - Planned Districts

The Planned Districts addressed by the zoning ordinance covers all districts which require a development plan to be approved by the Plan Commission. These districts shall include PUD, POD and B-2. In order for any special sign treatment to be approved in these districts, the developer shall submit a "master sign program" for that development for the approval of the Plan Commission.

(A) Such planned program shall include the following information for each sign:

- (1) Size of sign face;
- (2) A rendering of each sign type including height;
- (3) Lighting; and
- (4) Location.

(B) Such signs shall conform to all the requirements of that district, or as approved by the City Plan Commission.

33.75 - Other Permitted Signs

The following signs shall be permitted in the areas specified if they comply with all the requirements of this Chapter. The following signs shall not require a permit, unless otherwise noted:

(A) In all residential zoning districts, on-premise free-standing signs not exceeding twenty (20) square feet in area nor five (5) feet in height, and no closer than ten (10) feet to any lot line identifying multiple family housing complexes, neighborhood associations and subdivision areas at each entrance, shall be permitted; provided, that if the sign is a part of an approved landscape screen, then the copy area shall not exceed thirty-two (32) square feet, nor six (6) feet in height. Signs within a required front yard may be located only at the entrance from a major street to the multiple housing complex or subdivision area. No more than two signs may be located at any entrance.

(B) In any non-residential zoning district, a subdivision identification sign at each entrance, shall be permitted under the following conditions:

- (1) One sign per main entrance is permitted. The area of the sign, including support structure, shall not exceed seventy-five (75) square feet.
- (2) It shall not be located closer than five (5) feet to the front lot line and five (5) feet from the side lot line.
- (3) The height of such signs shall not exceed five (5) feet, with the height to be determined by a measurement from the ground level at the lowest grade level within two (2) feet of either side of the sign.

1 (4) Such sign shall only be for the identification of
2 the subdivision.

3 (C) In any zoning district, the following signs shall be
4 permitted for churches and schools and shall require a
5 permit.

6 (1) One on-premise free-standing sign per street
7 frontage, the area of the sign not to exceed fifty
8 (50) square feet including the sign structure, and
9 a height not to exceed seven (7) feet. Signs
10 shall not be located closer than five (5) feet to
11 the front lot line and five (5) feet from the side
12 lot line.

13 (2) Additionally, one on-premise wall sign is
14 permitted with the area of the sign not exceeding
15 thirty-two (32) square feet.

16 (3) One temporary sign not exceeding thirty-two (32)
17 square feet in area and five (5) feet in height is
18 permitted for a maximum of seven (7) days for an
19 event. Such sign shall not be located closer than
20 five (5) feet to the front lot line and five (5)
21 feet from the side lot line.

22 (D) In any zoning district, the following on-premise signs
23 shall be permitted:

24 (1) Official signs authorized by a government or sub-
25 division thereof, including traffic, directional,
26 and warning signs, public notices, and
27 proclamations erected or displayed in discharge of
28 any government function, or where required by law,
29 ordinance or regulation;

30 (2) Flags or banners of any government or subdivision
31 thereof, or of any educational, charitable,
32 religious, political, civic or service
organization;

33 (3) Historical or commemorative plaques or tablets;

34 (4) Memorial plaques, tablets, or building
35 cornerstones, when cut or carved into a masonry
36 surface, or when made of incombustible material
37 and made an integral part of the building or
38 structure it identifies;

39 (5) Street names and numbers;

40 (6) Reflectors and other safety signs or devices used
41 to mark driveways, towers, airport approaches, and
42 other potentially dangerous structures or
43 situations; as well as warning signs for
44 underground public utilities are permitted;

45 (7) Murals, exclusive of any sign copy area, painted
46 on the wall of a building, fence, or similar
47 structure shall be permitted;

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- (8) Historically significant signs may be exempted from the provisions of this chapter after being reviewed and approved by the Historic Preservation Review Board and in conformance with any historic preservation ordinance adopted by the City;
 - (9) Information and/or direction signs are not to exceed six (6) square feet in area and three (3) feet in height which direct traffic within a premise or which identify the location of rest rooms, telephone, freight entrances, etc. are permitted. The sign may include name of business or logo.
 - (10) Temporary institutional signs, not to exceed thirty-two (32) square feet in area announcing a campaign drive or other event of a civic, philanthropic, education or religious organization are permitted. These signs shall be permitted not more than thirty (30) days prior to the event and shall be removed within seven (7) days after the event;
 - (11) Warning signs, warning the public against hunting, fishing, trespassing, dangerous animals, swimming, etc. are permitted, provided the area of such signs not exceed four (4) square feet and height not exceeding three (3) feet.
- (E) The following signs are permitted on the premises used as service stations in addition to those signs otherwise permitted in the zoning district in which such service stations are located:
- (1) Signs are permitted on either face of the gas pump not to exceed a total copy area of four (4) square feet each side per motor fuel dispenser;
 - (2) One additional on-premise wall sign per street frontage not exceeding six (6) square feet of area each is permitted;
 - (3) One additional on-premise canopy sign per canopy face, except if it faces an abutting City or County residential or office district, not to exceed fifty (50) square feet per face;
 - (4) One two faced sign per street frontage, identifying self-service, full service and gas prices, each face not to exceed fifty (50) square feet in area.
- (F) In any commercial district, two (2) on-premise free-standing signs each not to exceed twenty (20) square feet in area or one (1) on-premise free standing sign not to exceed thirty-two (32) square feet in area functioning as menu boards are permitted in conjunction with an eating establishment utilizing ordering from the vehicle; provided, any sign shall not exceed six (6) feet in height, and shall not be permitted in the required front or side yard of the district in which it is located.

- 1 (G) Signs painted, printed or mounted on vehicles which are
2 incidentally displayed on any vehicle in connection
3 with the use of such vehicle for transportation
4 purposes, are permitted, provided such vehicles are
5 licensed and operable.

6 **33.76 - Temporary Signs**

7 The following temporary signs shall be permitted with
8 specific regulations as set out below and shall not require
9 a permit:

- 10 (A) In any zoning district, at such time that the property
11 is placed on the market, one on-premise real estate
12 sign may be erected on each street frontage of a
13 premise, identifying an offer for the sale, rent or
14 lease of all or part of the premise on which it is
15 located. Such sign shall be removed within seven (7)
16 days after closing the sale, renting or leasing of the
17 property, and under the following conditions:
- 18 (1) In any residential district, such real estate sign
19 shall not exceed six (6) square feet of area. It
20 may be located in a required yard. Its height is
21 not to exceed four (4) feet.
- 22 (2) In any other zoning district, such real estate
23 sign shall not exceed thirty-two (32) square feet
24 in area. It may be located in a required yard.
25 Its height is not to exceed eight (8) feet.
- 26 (B) In any zoning district, an auction sign is permitted,
27 the area of the sign shall not exceed thirty-two (32)
28 square feet and a height of six (6) feet. The sign is
29 permitted for twenty-one (21) days prior to the event
30 and must be removed within five (5) days after the
31 event.
- 32 (C) Holiday decorations for religious or national holidays
are permitted. Such decorations may blink, flash or
move and may be located in a required yard, provided,
however, that no such holiday decoration shall
interfere with traffic or present any other hazard to
the safety or welfare of the public.
- (D) One temporary construction sign per street frontage
shall be permitted at a construction site to identify
the nature of the construction and those persons or
firms associated within, including contractors,
architects, finance companies and owners. Such signs
shall not exceed sixteen (16) square feet of area and
six (6) feet in height when located in residential
districts. In any other zoning districts, if such sign
is located within one hundred (100) feet of any
residential district along side and front lot line it
shall not exceed sixty-four (64) square feet of area
and twelve (12) feet in height. If such sign is
located more than one hundred (100) feet from any
residential district along side and front lot line, it
shall not exceed one hundred twenty-eight (128) square
feet in area and twenty (20) feet in height. Such
signs may be located five (5) feet or more from the

front lot line. If such sign is located in a residential district under development that consists of five (5) acres or more, then the sign shall not exceed one hundred twenty-eight (128) square feet in area and twenty (20) feet in height.

(E) In all business and industrial zoning districts, temporary wall signs not to exceed thirty-two (32) square feet in area identifying special sales and openings, shall be permitted on the premises of commercial establishments for no more than sixty (60) days in any calendar year.

(F) In all residential districts, a garage sale sign is permitted in connection with a garage sale, yard sale, carport sale, home moving or other similar sale. Such sign shall not exceed four (4) square feet in area nor three (3) feet in height and may be located in the required front yard. Such sign may be placed no more than seven (7) days prior to the garage sale and shall be removed as soon as the garage sale is over.

(G) In all nonresidential districts, a sign announcing moving of a business to a new location is permitted for a period of sixty (60) days. Such sign shall not exceed thirty-two (32) square feet in area and eight (8) feet in height.

(H) Banners, pennants and flags shall be permitted for nonprofit civic activities only.

33.77 - Special Sign District

In any nonresidential district, occupants of sixty percent (60%) or more of the street frontage of any block face, may petition the City Plan Commission for the formation of a special sign district for the purpose of defining an area of particular historical, ethnic, cultural or entertainment atmosphere. Those occupants shall present proposed sign criteria to the City Plan Commission for review and approval.

33.78 - Variance Procedure

(a) Use Variance

The Board of Zoning Appeals shall approve or deny variances of use from the terms set forth here. The Board may impose reasonable conditions as a part of its approval, however, a variance may be approved under this section only upon a determination in writing that:

1) Approval will not be injurious to the public health, safety, morals, and general welfare of the community;

2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

3) The need for the variance arises from some condition peculiar to the property involved;

4) The strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to

the property for which the variance is sought; and

5) the approval does not interfere substantially with the comprehensive plan adopted by the City of Fort Wayne.

(b) Variance from development standards

The Board of Zoning Appeals shall approve or deny variances from the development standards set forth here. A variance may be approved under this section only upon a determination in writing that:

1) the approval will not be injurious to the public health, safety, morals, and general welfare of the community;

2) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

3) the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

33.79 - Conformity

It shall be illegal for any sign to be placed, erected or constructed except as provided in this Chapter. Any person, firm or corporation violating any provisions of this Chapter, or failing to comply with any order or regulation made hereunder shall be in violation and subject to all penalties thereof.

33.80 - Nonconforming Signs

Reasonable repairs, alterations and conversions may be made to nonconforming signs as long as location, height and area is the same or less than as that of a nonconforming sign or meets the requirements of this ordinance. However, in the event that any such sign is hereafter damaged by any means whatsoever, including an act of God, and the damage exceeds fifty percent (50%) of the replacement value according to certified documentation such sign may be restored, reconstructed, altered or repaired only in conformance with the provisions of this Chapter.

33.81 - Enforcement

It shall be the duty of the Division of Community & Economic Development to enforce the provisions of this Chapter in the manner and form with the powers provided by this Chapter and any and all other provisions of this Code, and as provided in the laws of the State of Indiana.

All departments, officials and employees of the City who are vested with the city or have authority to issue permits or licenses shall not issue any permit or license for any sign which would conflict with the provisions of this Chapter.

33.82 - Filing Fees

Applications for Improvement Location Permits shall be paid to and collected by the Division of Community and Economic Development per fees established by the City Plan

Commission:

No part of any filing fee paid pursuant to this Chapter shall be returnable to the applicant or petitioner.

33.83 - Penalties and Injunctive Relief

- (A) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer or any other party who violates any provision of this Chapter, shall be fined not less than Twenty-Five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars for each offense. Each day of the existence of any violation of the Chapter shall be a separate offense.
- (B) The erection, construction, enlargement, conversion, moving or maintenance of any sign and the use of any sign which is continued, operated or maintained contrary to any provisions of this Chapter, is hereby declared to be a nuisance and in violation of this Chapter and unlawful unless otherwise permitted in this Chapter. The Division of Community and Economic Development, in the name of the City and/or its Corporation Counsel, may institute a suit for injunction in the Circuit Court or any Superior Court of the County to restrain any person or governmental unit from violating any provision of this Chapter and to cause such violation to be prevented, abated or removed. Such action may also be instituted by any property owner who may be especially damaged by the violation of any provision of this Chapter.
- (C) The remedies provided for in this Chapter shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

33.84 - Severability of Provisions of this Chapter

If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

SECTION 3. Section 33-3 (zz) shall be deleted and replaced with the following:

(zz) Sign - See Article XII for the definition of sign.

SECTION 4. Section 33-14 (a) (8) shall be deleted and replaced with the following:

(8) Name plate or sign. See Article XII for regulations regarding signage in R-1 districts.

SECTION 5. Section 33-14 (d) (9) shall be deleted and replaced with the following:

(9) Name plate or sign. See Article XII for regulations regarding signage in RA and RB districts.

SECTION 6. Section 33-14 (e) B1B District (28) shall be deleted and replaced with the following:

(28) Advertising sign. See Article XII for regulations regarding signs in commercial districts.

SECTION 7. Section 33-14 (o) (6) j. shall be deleted and replaced with the following:

j. Signs: Signs within a P.O.D., shall be regulated by Article XII of this chapter.

SECTION 8. Section 33-3 is hereby amended to add the following:

(zzz) historic district (or property eligible for historic designation.)

As used in this ordinance, historic district or property eligible for historic designation shall mean those properties that have been designated or listed in the Cultural Resources Survey as maintained by the Historic Preservation Review Board, and on file in the offices of Community & Economic Development.

SECTION 9. Section 33-13 is hereby amended to add the following:

(m) In B1A, B1B, B3B, B-4, M-1, M-2, and M-3 districts, except for properties within the Central Business District, the Board of Zoning Appeals may permit off-premise signs between a one hundred twenty-five (125) foot radius and a three hundred fifty (350) foot radius from any City or County residential district, church, school, health care facility, or from any historic district (or property eligible for historic designation) consistent with the chart below.

In considering such a special use, the Board will evaluate the height, location, and sightlines that may unduly impact the character of residential districts, churches, schools, health care facilities or historic district including any property eligible for historic designation. The Board may impose reasonable conditions on the size of a sign, location, height, lighting, and sightlines that will ensure the integrity of the areas noted above. Off-premise signs adjacent to historic districts (or properties eligible for historic designation) shall be located to ensure that all sightlines and vistas of historic features are maintained, and that such signs shall not negatively effect the historic integrity of such properties.

Concurrent with filing the petition with the Board of Zoning Appeals, the petitioner shall send notice to all property owners within a three hundred fifty (350) foot radius of the petitioned location, and the registered neighborhood associations (if any) with boundaries within the three hundred fifty (350) foot radius. Notice shall include the date and time of the hearing, a copy of the petition and

1 associated drawings, rendering or photographs (if any), and
2 such other items as may be required by the Board of Zoning
3 Appeals. A copy of the mailing list must be submitted with
4 the petition.

5 Off-Premise Signs Authorized for Special Uses

6 <u>Zoning</u>	<u>Maximum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Distances from Residential</u>
7 <u>District</u>	<u>Sign Size</u>	<u>Height</u>	<u>Setback</u>	<u>School/Historic District</u>
8	9 <u>Sq. Feet</u>	10	11	12 <u>Etc. For Special Use</u>
13 B1A & B1B	100	35'	15'	125' - 350'
14 B-3-B	100	35'	15'	125' - 350'
15 & B-4	300	35'	20'	125' - 350'
16 M-1,	100	35'	15'	125' - 350'
17 M-2, &	300	35'	20'	125' - 350'
18 M-3	675	35'	30'	250' - 350'

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21 SECTION 10. That this Ordinance shall be in full force
22 and effect from and after its passage and any and all
23 necessary approval by the Mayor and legal publication
24 thereof.

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Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

Off-Premise Sign Comparisons...

11/25/91

Zone	Sq. Ft.	Proposal	Height	Setback	Distance from: Res./Church School etc.	When SPECIAL USE REQ'D (SEC 33-13 (m))	Office Dist.	Other Off-Premise
B1A	100	Plan Comm	35'	15'	500' Radial		300' Radial	1000' Lineal
B1B		Amended	35'	15'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	300' Lineal
B3B	100	Plan Comm	35'	15'	500' Radial		300' Radial	1000' Lineal
B-4		Amended	35'	15'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	300' Lineal
	300	Plan Comm	35'	20'	500' Radial		300' Radial	1000' Lineal
		Amended	35'	20'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	500' Lineal
	675	Plan Comm	N/A	N/A	N/A		N/A	N/A
		Amended	N/A	N/A	N/A		N/A	N/A
M-1	100	Plan Comm	35'	15'	500' Radial		300' Radial	1000' Lineal
M-2		Amended	35'	15'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	300' Lineal
	300	Plan Comm	35'	20'	500' Radial		300' Radial	1000' Lineal
		Amended	35'	20'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	500' Lineal
	675	Plan Comm	N/A	N/A	N/A		N/A	N/A
		Amended	35'	30'	250' Radial + 500' Lineal	250' - 350'	150' Lineal	1000' Lineal
M-3	100	Plan Comm	35'	15'	500' Radial		300' Radial	1000' Lineal
		Amended	35'	15'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	300' Lineal
	300	Plan Comm	35'	20'	500' Radial		300' Radial	1000' Lineal
		Amended	35'	20'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	500' Lineal
	675	Plan Comm	35'	30'	500' Radial		300' Lineal	1000' Lineal
		Amended	35'	30'	250' Radial + 500' Lineal	250' - 350'	150' Lineal	1000' Lineal

Off-Premise Signs are not allowed in the Central Business District.

Proposed amendment...

I.) Sec. 33-3 is hereby amended to add the following:

(zzz) historic district (or property eligible for historic designation.)

As used in this ordinance, historic district or property eligible for historic designation shall mean those properties that have been designated or listed in the Cultural Resources Survey as maintained by the Historic Preservation Review Board, and on file in the offices of Community & Economic Development.

II.) Sec. 33-13 is hereby amended to add the following:

(m) In B1A, B1B, B3B, B-4, M-1, M-2, and M-3 districts, except for properties within the Central Business District, the Board of Zoning Appeals may permit off-premise signs between a one hundred twenty-five (125) foot radius and a three hundred fifty (350) foot radius from any City or County residential district, church, school, health care facility, or from any historic district (or property eligible for historic designation) consistent with the chart below.

In considering such a special use, the Board will evaluate the height, location, and sightlines that may unduly impact the character of residential districts, churches, schools, health care facilities or historic district including any property eligible for historic designation. The Board may impose reasonable conditions on the size of a sign, location, height, lighting, and sightlines that will ensure the integrity of the areas noted above. Off-premise signs adjacent to historic districts (or properties eligible for historic designation) shall be located to ensure that all sightlines and vistas of historic features are maintained, and that such signs shall not negatively effect the historic integrity of such properties.

Concurrent with filing the petition with the Board of Zoning Appeals, the petitioner shall send notice to all property owners within a three hundred fifty (350) foot radius of the petitioned location, and the registered neighborhood associations (if any) with boundaries within the three hundred fifty (350) foot radius. Notice shall include the date and time of the hearing, a copy of the petition and associated drawings, rendering or photographs (if any), and such other items as may be required by the Board of Zoning Appeals. A copy of the mailing list must be submitted with the petition.

Off-Premise Signs Authorized for Special Uses

<u>Zoning District</u>	<u>Maximum Sign Size Sq. Feet</u>	<u>Maximum Height</u>	<u>Minimum Setback</u>	<u>Distances from Residential School/Historic District For Special Use</u>
B1A & B1B	100	35'	15'	125' - 350'
B-3-B	100	35'	15'	125' - 350'
& B-4	300	35'	20'	125' - 350'
M-1,	100	35'	15'	125' - 350'
M-2, &	300	35'	20'	125' - 350'
M-3	675	35'	30'	250' - 350'

Additional amendments...

Sec 33.69 (P)

Off-premise signs located within a three hundred fifty (350) foot radius from any City or County residential district, church, school, health care facility, or from any historic district (or property eligible for historic designation) shall require Board of Zoning Appeals approval prior to the issuance of an Improvement Location Permit. Applicants should refer to Sec. 33-13 (m) for specific details and procedure.

Sec 33.72 (A) (5)

(5) Off-premise signs not exceeding one hundred (100) square feet in total area are permitted except in the Central Business District.

- (i) Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total sign area is not exceeded and the two (2) faces are not separated by more than twelve (12) inch distance.
- (ii) Such sign shall be no closer than fifteen (15) feet to the front lot line, and shall not exceed thirty-five (35) feet in height.
- (iii) Such sign shall be spaced at least ~~one-thousand~~ ~~(1000)~~ three hundred (300) lineal feet from any other off-premise sign.
- (iv) Subject to Sec. 33.69, such off-premise sign shall not be located within a ~~five-hundred--(500)~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school and, health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three--hundred--(300)~~ one hundred fifty (150) lineal feet from any City or County office district.
- (v) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and not further than twelve (12) inch at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

Sec 33.72 (D) (5)

(5) Off-premise signs are permitted as follows:

- (i) Subject to Sec. 33.69, Off-premise signs not exceeding one hundred (100) square feet in area are permitted except in the Central Business District. Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total sign area is not exceeded and the two (2) faces are not separated by more than a 12 inch distance. Such sign shall be no closer than fifteen (15) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least ~~one-thousand-(1000)~~ three hundred (300) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets. Such off-premise sign shall not be located within a ~~five-hundred-(500)~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school and, health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three-hundred-(300)~~ one hundred fifty (150) lineal feet from any City or County office district.
- (ii) In lieu of item (i) above, and subject to Sec. 33.69, off-premise signs not exceeding three hundred (300) square feet in total area are permitted except in the Central Business District. Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total area is not exceeded and the two (2) faces are not separated by more than a twelve (12) inch distance. Such sign shall be no closer than twenty (20) feet to the front lot line, and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least ~~one-thousand-(1000)~~ five hundred (500) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise sign shall not be located within a ~~five-hundred-(500)-foot~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school and, health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three-hundred-(300)~~ one hundred fifty (150) lineal feet from any City or County office district.

- (iii) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and no further than twelve (12) inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

Sec 33.73 (A) (5)

(5) Off-premise signs are permitted as follows:

- (i) Subject to Sec. 33.69, Off-premise signs not exceeding one hundred (100) square feet in total area are permitted except in the Central Business District. Such sign shall be no closer than fifteen (15) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least ~~one-thousand-(1000)~~ three hundred (300) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such sign shall not be located within a ~~five hundred-(500)~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school and, health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three-hundred (300)~~ one hundred fifty (150) lineal feet from any City or County office district.

- (ii) In lieu of item (i) above, and subject to Sec. 33.69, off-premise signs not exceeding three hundred (300) square feet in total area are permitted except in the Central Business District. Such sign shall be no closer than twenty (20) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least ~~one-thousand-(1000)~~ five hundred (500) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise sign shall not be located within a ~~five-hundred-(500)-foot~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school and, health

care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three-hundred-(300)~~ one hundred fifty (150) lineal feet from any City or County office district.

- (iii) ~~In the M-3 district only, and~~ In lieu of items (i) and (ii) above, and subject to Sec. 33.69, off-premise signs not exceeding six hundred seventy-five (675) square feet in area are permitted except in the Central Business District. Such signs shall be no closer than thirty (30) feet to the front lot line, shall not exceed a height of thirty-five (35) feet and shall be spaced at least one thousand (1000) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise signs shall not be located within a ~~five-hundred-(500)~~ two hundred fifty (250) foot radius nor within five hundred (500) lineal feet from any City or County residential district or from any church, school ~~and~~ health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three-hundred-(300)~~ one hundred fifty (150) lineal feet from any City or County office district.

- (iv) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degree (60°) and no further apart than twelve (12) inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

G-91-09-10 as amended
as amended

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time by
title and referred to the Committee on _____ (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Common Council Conference Room 128, City-County
Building, Fort Wayne, Indiana, on _____, the _____, day
of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Sharp,
seconded by Gold, and duly adopted, placed on its passage.
PASSED ~~Lost~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
<u>BRADBURY</u>	_____	✓	_____	_____
<u>BURNS</u>	✓	_____	_____	_____
<u>EDMONDS</u>	✓	_____	_____	_____
<u>GIAQUINTA</u>	✓	_____	_____	_____
<u>HENRY</u>	✓	_____	_____	_____
<u>LONG</u>	✓	_____	_____	_____
<u>REDD</u>	✓	_____	_____	_____
<u>SCHMIDT</u>	_____	✓	_____	_____
<u>TALARICO</u>	✓	_____	_____	_____

DATED: 12-26-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (~~APPROPRIATION~~) (~~GENERAL~~)
(~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE ~~RESOLUTION~~ NO. _____
on the 26th day of November, 1991

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____,
at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by _____ title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Selmsch, seconded by Selmsch, and duly adopted, placed on its passage. PASSED ~~lost~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>	<u>3</u>		
BRADBURY		<u>✓</u>		
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE		<u>✓</u>		
SCHMIDT		<u>✓</u>		
TALARICO	<u>✓</u>			

DATED: 1-14-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING) ORDINANCE RESOLUTION, NO. 2-01-92
on the 14th day of January, 1992

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Thomas E. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of January, 1992, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 21st day of January, 1992, at the hour of 11:25 o'clock PA M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

#488

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE

Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE

Land Use Management - C&ED

SYNOPSIS OF ORDINANCE

Ordinance proposed is the revised Sign Ordinance, which is now made a part of the Zoning Ordinance. It is proposed in order to coordinate the type, placement, and physical dimensions of signage within various zoning districts, while providing for equal treatment, and protecting property values and public welfare concerns throughout the community.

EFFECT OF PASSAGE

Would eliminate some of the current provisions, and provide for equal treatment and protection to all.

9-91-09-10

EFFECT OF NON-PASSAGE

Existing ordinance would remain unchanged.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

. Approval would eliminate some variance requests heard by the Board of Zoning Appeals.

(ASSIGN TO COMMITTEE (J.N.))

**Division of Community
Development & Planning**

BILL NUMBER

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment		

DETAILS

Specific Location and/or Address <p align="center">N/A</p>
Reason for Project <p>The proposal would amend the Zoning Ordinance to include the revised Sign Ordinance, and would repeal Chapter 34, which is the existing Sign Ordinance.</p>
Discussion (Including relationship to other Council actions) <p><u>16 September 1991 - Public Hearing</u></p> <p>See Attached Minutes of Meeting</p> <p><u>23 September 1991 - Business Meeting</u></p> <p>Motion was made and seconded to return the ordinance to the Common Council as amended with a DO PASS recommendation.</p> <p>Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.</p> <p>Motion carried.</p>

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	<p>City Wide</p> <p>Other Areas</p>
Applicants/ Proponents	<p>Applicant(s)</p> <p>City Plan Commission City Department</p> <p>Other</p>
Opponents	<p>Groups or Individuals</p> <p>Tom Niezer, attorney for Burkhardt Advertising</p> <p>Basis of Opposition</p> <p>-new ordinance would prevent Burkhardt from further expansion to the point of having a punitive impact on their business.</p>
Staff Recommendation	<p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against</p> <p align="center">Reason Against</p>
Board or Commission Recommendation	<p>By</p> <p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against</p> <p><input type="checkbox"/> No Action Taken</p> <p><input type="checkbox"/> For with revisions to conditions (See Details column for conditions)</p>
CITY COUNCIL ACTIONS (For Council use only)	<p><input type="checkbox"/> Pass <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass</p>

DETAILS

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 30 August 1991

Projected Completion or Occupancy

Date 25 September 1991

Fact Sheet Prepared by
Patricia Biancaniello

Date 25 September 1991

Reviewed by

Date

Michael A. Sapp

Reference or Case Number

Proposed amendment to the Zoning Ordinance.

Petitioner: City of Fort Wayne
Sign Review Committee
Community & Economic Development

Petition/Amendment:

The proposal would amended the Zoning Ordinance to include the revised sign ordinance, and would repeal Chapter 34, which is the existing Sign Ordinance.

(A copy of the proposed amendment has been provided separately.)

Planning Staff Discussion:

This proposal represents the consensus of the Sign Review Committee. It regulates the placement, type and physical dimensions of signage, while providing for equal treatment of all concerned and provides protection of community property values and general welfare.

The text of the ordinance has been revised to provide for equal and fair treatment, eliminating some discrepancies that exist in the current ordinance. These revision will eliminate many of the variance petitions currently heard by the Board of Zoning Appeals.

Other important features of the proposal will be addressed in the handouts and public presentation.

Recommendation: Do Pass

He stated he understood that they have approximately 400 existing signs at this time.

Ms. Roe stated that this ordinance would prohibit them from placing any new billboard off premise signs. She stated that when any of the existing are removed they will not be allowed to replace them. She questioned what business is not allow to grow. She stating that this ordinance will prohibit them from growing.

In rebuttal, Doug Morris stated that he does not have any problem with Burkhart as a Company. He stated that one thing that the ordinance cannot do is to look at one company and their performance in a city and base an ordinance on that. He stated that we have to have an ordinance that works for everybody and not try to specifically tailor it to one organization. He stated that the existing ordinance as it is now, is being interpreted as a radial separation from these areas. He stated that the change in the ordinance should note the method specifically as radial interpretation so that the BZA does not have to address that as a variant item. He stated that the ordinance that was passed by the City Council based on the recommendations of Burkhart, did not include an exclusion of billboards from the downtown district. He stated that they (Burkhart) had also asked for that to be added back into the ordinance, but not to the existing scale. He stated that the ordinance that City Council adopted had changed the method of a variance. Whereas, a person coming in for a variance, has to prove hardship. They had changed the wording through the Council to have it that the petitioner show that they were not causing harm to any facing area. He stated that would put the burden on more neighborhood people and others to come forward and to prove the hardship back on the sign. He stated that the ordinance had taken the burden off of the petitioner. He stated that by putting it into the Zoning Ordinance the same burdens of proof for a variance exist as exist within the other zoning ordinance. He stated that there is a difference between off premise and on premise signs. He stated that there is a difference specifically in the use of the property. He stated that the owner of a piece of property has certain characteristics to it that allow develop and business to prosper there and signs are needed to develop them. He stated that the restrictions of those areas is not due to content of the sign, it is the use of the property and the context in which it is used. He stated that there is a real need for signage on a property where a business is located. He stated that the Committee did not do everything that the staff wanted. He stated that early on into discussions there were a lot of changes. He stated that there were compromises made with regard to the on premise sign usage. He stated that the ordinance was written to be fair as an ordinance by itself, not looking at an individual group in the process. He further stated that no where in the ordinance did they attempt to address the content on the signs.

There was no one else present who wished to speak in favor of or in opposition to the proposed amendment.

to communicate their businesses to the general public. It is a proven means of advertising, one that has been with us for a number of years. It is not the only means, there are other means as well, but it is part of an overall scheme that should be made available to each and every business in this community. It helps business by permitting it to advertise what it can do here in the city of Fort Wayne. Adoption of this type of ordinance, with these types of restrictions, not only sends a very clear message to Burkhardt Advertising, but is also going to send a very clear, and in his opinion, negative message to the business community of this city as well. In closing he stated he would like to reiterate, Burkhardt has a proven history of listening to these types of concerns. It is not their intent to go in and wreck a neighborhood by establishing a 675 sf, as Councilwoman Bradbury affectionately refers to it "sky-raper", type of sign in the city of Fort Wayne. It is not their intent nor do they do that, those type of comments are made because people do not understand all of the facts. He stated that he would ask the Commission as the Council did a number of months ago, to take the time, familiarize yourself with who Burkhardt is and what they do and what they have done in the past and what they are willing to do in this city. He stated that they want to remain a part of this city. They are going to need your help to do that at this time. He then requested that the people in the audience who were in opposition to the ordinance, those either working for or affiliated with Burkhardt to stand. He noted that it was well over half of the room that stood up. He stated that those people were present that evening because this decision effects their livelihood. Burkhardt is their livelihood.

Bob Hutner stated that he is not nor did he believe that the Commission was in anyway anti-Burkhardt. He stated that he has been a loyal personal customer of theirs (Burkhardt's) and still utilizes some of their services. Mr. Hutner stated that he did not feel any of them, whether it be the people who wrote the ordinance, or the Commission, is criticizing in any way, shape, or form Burkhardt as a corporate asset to the city of Fort Wayne, nor is it not appreciative of the favors the company has done for the city. He stated that they did not say that they were not a good corporate citizen of Fort Wayne.

Zach Lothamer, 2405 Barnhart Avenue

Linda Roe, 11111 Lantern Lane - both employees of Burkhardt Advertising appeared before the Commission in opposition to the proposed ordinance. They stated that they felt this ordinance would have a direct affect on their jobs and felt it could eventually cause the company to go out of business. It was stated that the radial spacing does not just restrict them it prohibits their business.

Steve Smith stated that he has been led to believe that Burkhardt has 85% of the market in outdoor advertising. He questioned that if they have only made 4 new billboard signs in the last 5 years why would this damage their business to prohibit any new signage.

Sign Ordinance. Fourth and last, and perhaps he felt what was most troubling with this proposed ordinance, is the apparent and very easy to recognize disparaging treatment between on premise signs and off premise signs. In many of the same zoning districts where off premises signs are permitted, on premise signs are permitted as well. However, they (on premise signs) are permitted with much less restrictive spacing requirements from residentially zoned areas, they are given greater height variations up to 50 feet in some areas, and the setback requirements are also not as severe. For example in the M-1, M-2 and M-3 Districts they permit a 300 sf on premise sign located radially at 100 feet from the nearest residential district. He stated that an off premise sign of the same size however, is not only subject to more restrictive height requirements and setback requirements, but they are now required to be 500 feet based on a radial measurement separated from the residentially zoned properties. Why is there this disparity in treatment? There are perhaps 30 to 1 more on premise signs in the city than there are off premise signs. Why is it that they are directing all of their efforts to the off premise sign industry? I don't know. I can't explain it. Yet, I certainly hope it is not because of the content that those off premise signs utilize. Because if it is we have not only a problem in discrimination of treatment, but we have a very, very severe and significant constitutional issue as well, which will have to be addressed and dealt with. He stated that there is too much at stake to let this go by given the facts that we have here to date. He stated that Mr. O'Brien indicated earlier that he would expect a 90% to 95% decline in sign related variances being brought before the BZA. I would question that and I would ask Wayne (O'Brien) if there is some type of empirical evidence that the city can point to, I would certainly love the opportunity to review it. I think that the exact opposite is going to happen. He stated that we have such a severe restriction placed on the sign industry that I would anticipate there would be an increase in Use Variances, development variances from the terms and provisions of this ordinance by the very sign industry it is seeking to regulate. He stated that the new proposal has cleaned the ordinance up and standardized it, but everything done beyond that is going to burden clients such as Burkhardt's to come before the BZA to seek a variance from restrictions that they simply cannot live with. He stated that Mr. Purcell has indicated in the past that perhaps that is the way it should be, that they will get a fair and honest hearing in front of the BZA. Mr. Neizer stated that after hearing Mr. Morris's comments over the past few months and also seeing where the BZA has come out and taken a stand on this, there is no question in his mind but that is the last thing that they would receive. He stated that he did not feel there was any sentiment given in this information that has been emanating through the public to date that Burkhardt would be given a fair "shot" at any variance proposal brought before the BZA. The use of off premise signs helps not only Burkhardt, but as the Chamber has already noted, it is here in the city to help other businesses, both large and small. They use off premise signage

the off premise sign industry of Burkhart Advertising. He stated that zoning regulations in and of themselves prohibit certain signs being located in certain places of the city. Traffic patterns effect where certain signs are going to be located. The ability to obtain property or lease property affects Burkhart's ability to place a sign anywhere it would like to. They do not own all the pieces of property where they have signs located, rather that property is leased with them. New development changes Burkhart's ability to place new signs in the city. One example is the Apple Glen development. That development pursuant to the city's recommendation, which was approved as part of the development plan, in the case that all off premise signs have to be taken down as development occurs at the Apple Glen site. He stated that is going to result in thirteen (13) 300 sf signs eventually being eliminated along W Jefferson Blvd., as Apple Glen develops. The other factor is market trends. Burkhart can not just locate a sign anywhere, it has to locate a sign where the public is going to see it. It is for that reason why 675 sf signs in an M3 District will virtually result in no signs at all. He stated that there are not many needs for signs in heavy industrially zoned districts, there is very little traffic going by there. He stated that those factors dictate where Burkhart can locate and place signs, it is not just this ordinance. He stated that the ordinance is just one component and he would argue that it is not even the most important component. He stated that now there is an attempt here to take the ordinance and virtually eliminate any new off premise signs and seriously damage the business interests of a significant employer in Fort Wayne. The third issue is that they have no problem here as was indicated earlier. Since 1986, since the inception of the existing ordinance, there have only been a net change of 4 new off premise signs in the city of Fort Wayne in 5 years. He stated that there is no problem with the existing ordinance. He stated that he felt it was the Sign Committee's intent to clean up the 1986 ordinance to standardize it and to put some uniformity into it, and it certainly does that. It goes a lot further than that though, and places severe if not punitive restrictions on the off premise sign industry, that is not uniformity that is a direct attack towards one industry being singled out, with a recommendation being made that they should no longer be able to exist in the city as they have done in years past. He stated that the last time he reviewed the file at the city, he saw petitions from various neighborhood groups and associations maybe amounting to 200 to 300 signatures in support of an ordinance of this type. Two to three hundred signatures in a city the size of Fort Wayne. And for some reason people are now saying that should be translated into a huge ground swell of public support for drastic changes in the Sign Ordinance. He stated he did not draw that same conclusion. He stated that it appears that the community associations did not take up their petitions on their own. It appears that they had a push or some one asked them to do so. Whether it be from the BZA from the staff, from the city itself, they did not in and of themselves decide to start speaking out and complaining against the existing

despite this fact, they started to hear complaints from the Mayor's office as well as from Mr. Morris that the concerns of the neighborhood community were not being given enough weight with the revisions to the Sign Ordinance. He stated that even with Burkhart's changes, had the initial ordinance been adopted in its totality, it would have been a more restrictive sign ordinance, especially to the off premise sign industry, than what we presently have under the existing ordinance passed in 1986. He stated that what we now have is not only an ordinance which excludes some signs from the Central Business District, it also excludes the 675 sf signs from all zoning districts except the M-3 District, which is tantamount to prohibiting all new 675 sf signs in the city of Fort Wayne. He stated that the proposed ordinance further establishes, what they consider to be, prohibitive radial and lineal spacing requirements, which if passed in to law by the Commission's recommendation to the Council, and their approval, will in their estimation result over a period of time, of not only a decline in new signs going up in the city of Fort Wayne, but also serious jeopardy to the viability of the Burkhart business itself. He stated that for those reasons you can not expect Burkhart Advertising just to sit by and watch this happen. This is a vital issue to them. He stated the fact that they are here tonight, the fact that they have sat on the Sign Review Committee during its existence, should tell this Commission, the Mayor's Office, and the Neighborhood's that Burkhart's is interested not only its own business, but it is interested in listening to and meeting the concerns of the citizen's of Fort Wayne. He stated that if it is the Commission's decision to go ahead and pass on the ordinance next Monday evening, so be it, this is on a fast track as it is, being that the Sign Review Committee recommended this no earlier than September 4th. He stated that before they do he wanted to point out some key facts that are lost, That seem to never come out when there is an opportunity. The first one to keep in mind is that Burkhart, the company where all of the criticism is being directed is a good corporate citizen in the city of Fort Wayne. They have a proven record of listening to the concerns of the neighborhood. They also have a proven record of working with the city of Fort Wayne. Mr. Niezer passed out a letter from the Public Information Office of the City to Burkhart advertising requesting Burkhart to donate free space on signs in the city to advertise the fact that they are going to try and bring in a national television host for minority business week. He stated that Burkhart has a proven history of complying and working with these types of requests, and it is just not with the city of Fort Wayne. He also passed out a list and compilation of letters from area businesses, including churches, the most notable being the St. Mary's church in downtown Fort Wayne. Letters for Burkhart, setting forth their acknowledgement of good works and Burkhart's willingness to go along and try and meet the concerns of the neighborhoods. He stated that this appears to be a fact that is lost in the shuffle when talking about how restrictive the existing Sign Ordinance is. The second fact to keep in mind is that the Sign Ordinance is not the only vehicle which regulates

the proposed ordinance. He stated that Burkhardt's principal operation is located in South Bend, however they operate their business primarily in the northern third of the state of Indiana. He stated that basic business activity here in the city of Fort Wayne and in Allen County is to lease space to businesses for off premise sign advertising. He stated that they primarily engage in advertising of two signs, one of which is the 300 sf and the other 675 sf sign. He stated that those are standardized size signs throughout the off premise sign industry throughout the nation. He stated that Burkhardt has approximately control of over 80% of the off premise sign industry in the city of Fort Wayne and Allen County. He stated that it is a virtual monopoly, one which they are very jealous of, which they have worked extremely hard to obtain and one that they have worked extremely hard to keep operating. He stated that it is for that reason that Burkhardt had a representative who routinely attended the meetings of the Sign Review Committee. He stated that Burkhardt employs in excess of 25 people, they have an annual payroll of \$800,000. He stated that they own and pay taxes on over 40 pieces of real estate in the Fort Wayne and Allen County area. He stated that permit fees is just one facet of what Burkhardt contributes to this community. He stated that property taxes is another, their employees who live and work in the community is a facet as well, and that has to be kept in consideration. He stated that these facets are threaten by the ordinance that is being considered tonight. He stated that this is not the first revision to the proposed 1986 Sign Ordinance. He stated that it has been documented and well publicized that there is another ordinance before City Council this year, an ordinance that was initially introduced but later amended by Burkhardt, this ordinance was approved by the Sign Committee. He passed out a chart indicating what had formally been approved by the Committee and had been presented to City Council. He stated that the chart gave them an excellent idea of what they had on the table a matter of months ago. He stated that if reviewed you can see that there are very few differences of opinions between the Committee's position and Burkhardt's position. He stated that in fact the parties were very close to agreement except for the one outstanding issue, and that was over the radial versus lineal measurement spacing for the 300 sf sign. He stated that Burkhardt Advertising had agreed that they should no longer be any new signage in the Central Business District of Fort Wayne. He stated that they agreed to the Committee's initial recommendation as to the radial spacing requirements for the 675 sf signs. He stated that they agreed with many of the separation requirements from off premises signs, and while there was some disagreement on 675 sf signs as indicated in yellow on the sheet, Burkhardt ultimately indicated its willingness to go ahead and live with the Committee's recommendation. He stated that they were very close to a new ordinance, even with Burkhardt's changes to the Committee's initial recommendation he stated he would submit and it was a submission that has been shared by him with members of the City staff that the ordinance as revised in its totality would have been more restrictive than the existing 1986 ordinance. However,

the downtown areas as it affects the view of monumental civic structures and church and social structures. He stated that because of his feelings he wanted to commend the Committee with coming up with an ordinance that will make a first good step in correcting those concerns. He stated that this is only an initial step and there is still much work to be done in regulating signs control.

Terry Partee, 1112 Old Bridge Place, Vice-President of the Fort Wayne Chamber of Commerce appeared before the Commission in opposition to the proposed amendment. Mr. Partee stated that he was speaking to express the Chambers concerns with what they call "regulatory overkill". He stated that the sign ordinance that has been in place since 1986 seems to be working. He stated that the net number of new off premise billboards is only 4 signs in a period of 5 years. He stated that they are concerned with the stifling of commerce in Fort Wayne.

John Shoaff stated that the Chamber covers a wide range of activities, one of which is tourism. He questioned if Mr. Partee felt that the billboards made the city more or less attractive.

Mr. Partee stated that it worked both ways. He stated that along the highways it helps direct people to locate businesses and significant sites of interest. He stated that if you are referring to downtown he felt that any billboards that obstruct some of the churches we have should probably be removed, but that was a personal opinion.

Mark Gensic questioned how many people were members of the Chamber.

Mr. Partee stated that they have 1800 members.

Mr. Gensic questioned how many they had heard from that had an opinion regarding the new ordinance.

Mr. Partee stated it was just a handful and those few were against the ordinance.

Wil Smith questioned what the complaint against the new ordinance was from the people who called the Chamber.

Mr. Partee stated that they felt it was a way of restricting commerce, and restricting peoples ability to make a living.

Richard Borton, 905 Third Street appeared before the Commission. Mr. Borton stated that he was in opposition to the ordinance because it was not restrictive enough. He stated that he wanted it "tightened up" even more.

Tom Neizer, attorney with Barrett & McNaghy, appeared before the Commission representing Burkhart Advertising. Mr. Neizer stated that he was there to express Burkhart's "vehement" opposition to

Greg Purcell stated that currently the only thing we have is a permit fee, which is 20 cents per square foot for the first side of the sign and 10 cents per square foot for the second side. He stated that the new ordinance as proposed would give the Plan Commission the authority to raise the fees at any time they saw fit. He stated that the revenues the city receives on an annual basis would be the property tax.

Steve Smith questioned if the Committee considered ongoing revenue uses fees or taxes on billboards.

Mr. Morris stated that they did not address that issue.

Bob Hutner stated that he felt the Sign Committee did a good job and as part of the BZA they had requested the Mayor to veto the previous Sign Ordinance. They felt it was not good for the city and that it was hard to work with.

Mel Smith questioned about what percentage would this reduce the cases brought before the Board of Zoning Appeals requesting a variance from the Sign Ordinance.

Wayne O'Brien stated that they would estimate 90% to a 95% reduction in certain types of requests, such as setbacks for signs.

Don Postel, 4712 Bradwood Terrace, appeared before the Commission in favor of the amendment. He stated he felt that this ordinance was a significant step forward from what the city has been living with since 1986. He presented information from two organizations one being "Scenic America" and the other "Southern Environmental Law Center". He stated that the latter has published a handbook on visual pollution and sign control. He stated that both of the organizations have been active since the early 80's. He stated that if you look at the recommendations of the two aforementioned organizations this ordinance does not satisfy all that they recommend that the community do to protect their environment and property values and to increase the safety of our roads. He stated it is however a very significant step in the right direction and therefore he supported the amendment and would like to see it become a part of the Zoning Ordinance without change. He stated if there were any changes it should be to firm up the ordinance even more.

Louis Petro, 4101 Plaza Drive, President of the Rudisill Plaza Neighborhood Association. He stated that he was speaking as a private citizen. He stated that he has been concerned for a long time that the location of off premise signs has created an attractive nuisance as conducive to a possibility for distraction and therefore accidents. He stated that in addition he was concerned about the environmental pollution that occurs by the location of certain signs that obscures very important and significant vistas within the city of Fort Wayne, particularly in

- b. Bill No. G-91-09-10 - Ordinance Amendment #488
The proposal would amend the Zoning Ordinance to include the revised Sign Ordinance, and would repeal Chapter 34, which is the existing Sign Ordinance.

Doug Morris, 1806 California Avenue, appeared before the Commission representing the Sign Ordinance Review Committee. He stated that he was Chairman of the Committee. He stated that the existing ordinance has been in effect since 1986 as a separate ordinance and they are looking to incorporate it back into the Zoning Ordinance with some changes to the due process. He stated that the ordinance was passed from the Sign Committee to the Commission on a 6 to 1 vote in favor of the ordinance as presented to the Commission. He stated that the primary and only disagreement that the Committee had was over the off-premise signage. He stated that it centered around primarily the measurement method of separation. He stated that there were two aspects discussed, one being a radial measurement and the other being a lineal measurement. Radial measurement going from the center of the base of the sign and measuring out the given separation distance, striking an arc around the sign, that would be the separation area. This method would be used in separation distance in residential areas and around churches and schools. He stated the other method of measurement which is lineal, and would be used in the other zoning classifications where signs are allowed, is where you take the center of the sign base and go perpendicular to the right of way and then measure the distance linearly from that intersection along the right of way for separation from other signs. He stated that the current ordinance that they are operating with does not specifically note how the measurement should be made for the separation. He stated it calls for a separation distance but does not state how the measurement should occur. He stated that as a member of the Board of Zoning Appeals they have discussed it in their meetings and have interpreted on a radial measurement, understanding that it seems to be the most logical way to provide the separation from the districts in question. He stated the other aspect of the ordinance that affects the off premise signage is the prohibition of new billboards or off premise signs in the Central Business District. He stated that this revised ordinance is a product of a Committee that worked hard and if passed will be very good for the city of Fort Wayne. He stated that the goals of the original sign ordinance are met even more closely with this new ordinance. He stated the ordinance was modified in some other areas of the on premise signs to make it more understandable and to make it more easily enforced. He stated the goal was visual protection of residential districts, churches and schools and protection of the city's visual integrity while allowing adequate opportunity for businesses to have adequate signage.

Steve Smith questioned if in the ordinance or the city regulations of signs, were there any user fees or taxes assessed on billboards.

BILL NO. G-91-09-10 (AS AMENDED)

GENERAL ORDINANCE NO. G-

AN ORDINANCE CONCERNING THE PLACEMENT
OF SIGNS WITH THE CITY LIMITS
OF FORT WAYNE, INDIANA.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1: That Chapter 34 of the Municipal Code of
the City of Fort Wayne is repealed.

SECTION 2: That Chapter 33 of the Municipal Code of
Fort Wayne is hereby amended to add as follows:

ARTICLE XII Sign Ordinance

Section:	33.65	Purpose
	33.66	Definitions
	33.67	Requirement of Permit
	33.68	Maintenance and Removal
	33.69	Miscellaneous Provisions
	33.70	Residential Districts
	33.71	Office District
	33.72	Business Districts
	33.73	Industrial Districts
	33.74	Planned Districts
	33.75	Other Permitted Signs
	33.76	Temporary Signs
	33.77	Special Sign District
	33.78	Variance Procedure
	33.79	Conformity
	33.80	Nonconforming Signs
	33.81	Enforcement
	33.82	Filing Fees
	33.83	Penalties and Injunctive Relief
	33.84	Severability of Provisions of This Chapter

33.65 Purpose

The purpose of this ordinance shall be to coordinate the type, placement, and physical dimensions of signs within the different zoning districts; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; to guarantee equal treatment under the law through accurate record keeping and consistent enforcement; to protect and promote property values of the community; and to improve the appearance and aesthetic quality of the community.

33.66 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(A) **Area of Sign** shall mean the area in square feet of the

smallest, simplest, single geometric figure which encloses the area which forms the outside shape of the sign face.

- (B) **Construction Sign** shall mean any sign announcing the names of architects, engineers, contractors or other individuals or firms involved with the construction, alteration, or repair of a building project or announcing the character of the building enterprise or the purpose for which the project is intended.
- (C) **Development Parcel** shall mean a combined use of parcels and/or lots in singular and/or common ownership which has shared development characteristics, such as but not limited to parking, access, and/or service areas.
- (D) **Direction Sign** shall mean any sign which serves solely to designate the location or direction of any area or place.
- (E) **Directory Sign** shall mean a sign which provides a listing of uses or tenants within a particular building or complex of buildings.
- (F) **Facade** shall mean any face of a building which faces a street, private roadway, parking lot, or pedestrian walkway.
- (G) **Flashing Sign** shall mean any sign which flashes or appears to flash by a powered light source.
- (H) **Free-standing Sign** shall mean a sign that is erected on a frame, mast or pole which is not attached to a building.
- (I) **Height of a Sign** shall mean the distance between the lowest grade level within two (2) feet of either side of a sign, and the highest part of the sign or its supporting structure;
- (J) **Lineal**, for purposes of this ordinance, shall mean a distance in any direction along frontage on both sides of a street and cross streets. This term shall not apply to signs located on parallel streets.
- (K) **Marquee Sign** shall mean a sign designed and/or constructed as an integral part of a marquee or giving the appearance of being an integral part of a marquee. Marquee signs shall also include canopy and awning signs.
- (L) **Mobile Sign** shall mean a sign which is designed to be moved from one location to another, and is not permanently affixed to the ground or to a structure that is permanently affixed to the ground.
- (M) **Off-Premise Sign** shall mean any sign which identifies or directs attention to a product, service, or activity or business not conducted on the premises on which the sign is located.
- (N) **On-Premise Sign** shall mean any sign which identifies or

directs attention to a product, service, activity or business conducted on the premises on which the sign is located.

(O) **Projecting Sign** shall mean a sign other than a wall sign which is attached to and projects from a structure or building face and does not project above the roof line or the cornice wall;

(P) **Sign** shall mean any identification, description, symbol, illustration or device which is in view of the general public and which identifies or directs attention to a person, place, product, service, activity, institution or business.

(Q) **Top Roof Line** shall mean the principle top edge of the roof of a building;

(R) **Wall Sign** shall mean any sign attached or affixed to the wall of a building which projects no more than twelve (12) inches from said wall surface;

33.67 - Requirement of Permit

An Improvement Location Permit shall be required before the erection, construction, placing or locating of all signs regulated by this ordinance, except as otherwise exempted in this Chapter.

33.68 - Maintenance and Removal

All signs, including, but not limited to, those signs for which permits are required, shall be maintained in a good state of repair, including replacement of defective parts, painting, cleaning and other acts required for the maintenance of said sign.

The Division of Community & Economic Development shall have the right of entry in order to inspect all signs for compliance with the provisions of this ordinance.

When any sign is not maintained within the provisions of this ordinance or determined otherwise unsafe, the Division of Community & Economic Development, or their authorized representative, shall send written notice to the owner of the property on which the sign is located to remove, repair or alter the sign. If said sign is not removed, repaired, or altered within 90 calendar days, the Division of Community & Economic Development, or their authorized representative, can cause the sign to be removed, repaired, or altered at the expense of the owner of the property in accordance with the provisions of this Chapter and as set forth under 33.83.

33.69 - Miscellaneous Provisions

(A) No sign or part thereof shall be erected or maintained except in conformance with the provisions of this Chapter;

(B) Signs may be illuminated by an external light source, provided that the source shall be effectively concealed from view. Signs which incorporate in any manner any

1 flashing, moving or revolving illumination are not
2 permitted except as provided in this Chapter and
provided that the illumination of any sign shall not
3 exceed 300 foot lamberts as measured at any point on
4 the property line upon which the sign is located;

5 (C) No sign shall blink or flash, nor be illuminated by any
6 device so as to appear to blink or flash, except as
7 otherwise expressly provided in this Chapter;

8 (D) No sign shall be erected upon, maintained in, encroach
9 upon or overhang any public right-of-way without the
10 approval of the Board of Public Works, except as
11 expressly provided in this Chapter and State and
12 Federal law as amended. However, all other applicable
standards of this Chapter shall apply.

13 (E) The area of a V-type sign not exceeding an angle of
14 sixty degrees (60°) is calculated on one face of the
sign only;

15 (F) No sign shall be painted on or attached to rocks,
16 trees, or any other natural object, except monument
17 signs;

18 (G) Sign regulations for uses permitted by the Board of
19 Zoning Appeals, and/or non-conforming uses shall be as
20 follows:

21 (1) Pursuant to the restrictions and regulations for
the signs in the district in which located, or

22 (2) A wall and/or free standing sign of up to thirty-
23 two (32) square feet in area. A free standing
24 sign shall neither exceed six (6) feet in height
25 nor have a front and side yard setback of less
26 than five (5) feet.

27 This sub-section shall not have precedent over any
28 direct stipulations imposed by the Board of Zoning
29 Appeals.

30 (H) Strings of light bulbs are prohibited, unless as
31 decorations associated with a recognized legal holiday
32 or city festival, in no case to be permitted beyond a
forty-five (45) day period, and consistent with all
other regulations in this Chapter;

(I) One mobile sign per development parcel may be located
in B-1A, B-1B, B-3B, B-4, M-1, M-2 and M-3 districts.
Such sign shall be permitted up to two (2) times a
calendar year not to exceed thirty (30) days per
permit. Such sign shall be located a minimum of five
(5) feet from any lot line and shall not exceed thirty-
two (32) square feet in area;

(J) In all nonresidential zoning districts, a roof sign may
be permitted as an alternative to a permitted free-
standing sign under the following conditions:

(1) The business for which the roof sign is sought
offers no feasible opportunity for placement of a

free-standing sign as otherwise authorized within the zoning district;

(2) The roof signs shall not be higher than the district height limitation for buildings;

(3) All such roof signs shall be finished in such a manner that the visual appearance from all sides is that they are a part of the building itself;

(4) A sign on a sloping roof must be a minimum of one (1) foot below the top roof line;

(5) The permitted roof sign shall be no larger in area than the free standing sign permitted in the zoning district in which said sign is to be located;

(6) Such sign shall not be located closer than sixty (60) feet to a residential district.

(K) On-premise free-standing signs shall be located a minimum of one hundred (100) feet from all residentially zoned districts.

A free-standing sign may be installed less than one hundred (100) feet from a residentially-zoned district provided the sign height and square footage is reduced in direct proportion to the distance the sign is located from a residential district. In no event shall a sign be permitted closer than twenty-five (25) feet to a residentially-zoned district;

(L) Unless the term "lineal" as defined and used in this ordinance is specifically stated in any particular subsection, the means of measurement shall be determined on a radial basis.

(M) Radial measurements as used in this ordinance shall start from the center of the sign base at grade, and extend outward in a circular manner for the distance specified.

(N) Lineal measurements as used in this ordinance shall start from the center of the sign base at grade as projected at a right angle to the nearest right-of-way line, and then extend as specified. Where the center of the sign base is equidistance from two or more right-of-way lines, the more restrictive limitation shall be applied.

(O) As used in this ordinance, the Central Business District shall be defined as that area bounded by the old Penn Central railroad right-of-way to the south (located south of Baker Street), Clay Street to the east, Van Buren Street to the west, and the river to the north. The Central Business District has a unique identity and contains special physical conditions found nowhere else in the city. Because the Central Business District is such a unique and individual environment, it is not in the best interest of the revitalization efforts that are ongoing in this area to permit off-

premise signs. Therefore off-premise signs as defined in this Ordinance shall not be permitted in the Central Business District.

33.70 - Permitted Signs: Residential Districts

RA, RB, R-1, R-2, and R-3, ZONING DISTRICTS.

One on-premise wall sign, not to exceed one (1) square foot of copy area, non-illuminated and nonreflecting, used to identify block parents, the name of the premises or occupants thereof, or to provide similar information is permitted, with the exception of signs expressly permitted under Section 33.68 (G).

33.70 - Permitted Signs: Office District

(A) POD ZONING DISTRICT

- (1) One on-premise wall sign for each main building, not to exceed fifty (50) square feet, limited to identifying the building or activity being conducted on the premises, is permitted per street frontage.
- (2) One on-premise free-standing sign per entrance, identifying the name of the office park or activity conducted within the district shall be permitted. Such sign shall not exceed thirty-two (32) square feet in area, shall have a maximum height of six (6) feet, and shall be permitted with a five (5) foot setback from the front lot line. Such sign shall not face any residential district fifty (50) feet away.
- (3) If there is more than one building, a freestanding directory sign is permitted for each building. Such sign shall be located in the interior of the development with a maximum height of six (6) feet and may not exceed fifty (50) square feet in total area.
- (4) Any proposed sign other than as permitted above shall be subject to City Plan Commission review as part of the development plan process. The sign regulation in sub-paragraphs (1), (2), and (3) above may be modified by the Plan Commission with the granting of development plan approval in conformance with the other requirements of the POD zoning district and other development plan procedures.
- (5) **Pre-existing Signs** Any sign that was legally erected in this district prior to November 6, 1986 shall be deemed to have received Plan Commission approval as herein required and shall not be a non-conforming sign. Such sign may be converted without Plan Commission approval for new tenants, as long as the location and copy area remains the same or less than that of the pre-existing sign.

33.72 - Permitted Signs: Business Districts

(A) B-1A And B-1B ZONING DISTRICT

(1) On-premise wall sign(s) on building facades, attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting beyond or above the roof or top of the cornice wall, are permitted. The copy area of such wall sign(s) per building facade shall not exceed one hundred (100) square feet .

(2) One on-premise free-standing sign per development parcel per street frontage is permitted.

(i) The free-standing sign shall not exceed one hundred (100) square feet in area and not exceed thirty-five (35) feet in height. Such sign may be located a minimum of five (5) feet from any front and side lot line.

(ii) See Section 33-69 (K) for residential spacing requirements.

(3) In lieu of the sign permitted in paragraph (2), above, one on-premise projecting sign is permitted. Said projecting sign may project from a building a maximum of six (6) feet and may project into a required front yard. Such sign shall have a minimum ground clearance of eight (8) feet above the walk or grade below. The maximum area of such sign shall be forty (40) square feet.

Where more than one business is located on the development parcel, the on-premise projection signs shall be combined, and resultant sign shall not exceed seventy-five (75) square feet in total area.

(4) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice or roof of the building.

(5) Off-premise signs not exceeding one hundred (100) square feet in total area are permitted except in the Central Business District.

(i) Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total sign area is not exceeded and the two (2) faces are not separated by more than twelve (12) inch distance.

(ii) Such sign shall be no closer than fifteen (15) feet to the front lot line, and shall

not exceed thirty-five (35) feet in height.

(iii) Such sign shall be spaced at least one thousand (1000) lineal feet from any other off-premise sign.

(iv) Such off-premise sign shall not be located within a five hundred fifty (500) foot radius from any City or County residential district or from any church, school and health care facility. Such off-premise sign shall not be located closer than three hundred (300) lineal feet from any City or County office district.

(v) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and not further than twelve (12) inch at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

(B) B-2 ZONING DISTRICT

In the B-2 zoning district, only on-premise signs are permitted.

(1) Except as provided herein, all signs shall be attached to a building and shall not project above the top of the building to which they are attached. Signs attached to a building shall be substantially parallel thereto and shall not project more than one (1) foot from the face thereof. All signs must show only the name and use of the store or premise for which they are erected or the identification for the entire commercial area. The copy area of wall signs per store facade shall not exceed twenty-five percent (25%) coverage of the wall surface or the square footage of a free-standing sign in that district, whichever is less.

(2) One on-premise free-standing sign identifying the entire commercial area and not exceeding the maximum square footage in area or height as provided in this section may be permitted on each public street abutting the perimeter of such district. If the frontage along a public street exceeds eight hundred (800) feet, there may be two free-standing signs permitted but not located closer than five hundred (500) feet from any other free-standing sign. In addition, any single user commercial pad area within the district which has an area of one (1) acre or more shall be permitted one on-premise free-standing sign, not exceeding thirty-five (35) square feet in area and four (4) feet in height.

Conforming signs are permitted in the required front yard but not closer than five (5) feet from the front property line. The maximum square

footage and height for signs in each district shall be:

B-2A -	Area: 200 square feet
	Height: 35 feet
B-2B & B-2C -	Area: 300 square feet
	Height: 40 feet
B-2D -	Area: 400 square feet
	Height: 50 feet

- (3) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.
- (4) Any proposed signs other than as permitted above shall be subject to Plan Commission review and approval as part of the development plan process. The sign regulations in subparagraph (1), (2), and (3) above may be modified by the Plan Commission with the granting of Development Plan approval in conformance with all other requirements of the applicable Development Plan procedures.
- (5) Pre-existing Signs: Any on-premise sign that was legally erected in this district prior to November 6, 1986 shall be deemed to have received Plan Commission approval as herein required and shall not be a nonconforming sign. Such sign may be converted without Plan Commission approval for new tenants, as long as the location and copy area remains the same or less than that of pre-existing sign.

C) B-3-A ZONING DISTRICT

In the B-3-A zoning district only on-premise signs are permitted.

- (1) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet. The sign shall not project above the cornice wall or roof of the building.
- (2) On-premise wall signs on building facades attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting above or beyond the roof or top of the cornice wall, are permitted. Such wall signs shall

project not more than twelve (12) inches from the facade of the building. The copy area of such wall signs per building facade shall be as follows:

- (i) If the sign is located up to fifty (50) feet height above the sidewalk, it shall not exceed fifty (50) square feet;
- (ii) If the sign is located over fifty (50) feet but less than one hundred (100) feet above the sidewalk, it shall not exceed one hundred (100) square feet;
- (iii) If the sign is located over one hundred (100) feet above the sidewalk, it shall not exceed three hundred (300) square feet.

- (3) One on-premise free-standing sign per development parcel per street frontage is permitted. Such sign shall not exceed one hundred (100) square feet in area and shall have a maximum height of thirty five (35) feet, and shall be located a minimum of five (5) feet from the front lot line and five (5) feet from the side lot line.
- (4) See Section 33-69 (K) for residential spacing requirements.
- (5) Strings of light bulbs may be used and signs may blink or flash, except for the area covered by the Calhoun Street Sign Ordinance. Signs having electronically changing copy area shall not exceed the provisions of paragraph (1) and (2) above.
- (6) Signs located in the Calhoun Street Transit Mall shall comply with the Calhoun Street Sign Ordinance, Chapter 3.5 of the Code of the City of Fort Wayne as well as this Ordinance. In the event of conflict between this ordinance and the Calhoun Street Ordinance, the Calhoun Street Ordinance will apply.

(D) B-3B and B-4 ZONING DISTRICTS

- (1) On-premise wall signs on the building facades or mansard roof, substantially parallel thereto, and not projecting beyond the roof or top of the cornice wall, are permitted. The copy of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face, or two hundred fifty (250) square feet whichever is less.
- (2) One on-premise free-standing sign per developed per street frontage is permitted.
 - (i) The free-standing sign shall not exceed two hundred fifty (250) square feet in area and a maximum height of fifty (50) feet.
 - (ii) The signs shall be no closer than five (5)

feet to the front property line and no closer than five (5) feet to the side property line.

(iii) See Section 33-69 (K) for residential spacing requirements.

(3) In lieu of the sign permitted in paragraph (2) above, one on-premise projecting sign for each business may project from the building a maximum of six (6) feet and shall not project above the roof line or top of a cornice wall. Such sign shall have a minimum clearance of eight (8) feet above the walk or grade below, and a maximum area of fifty (50) square feet.

Where more than one business is located on the development parcel, the on-premise projecting signs shall be combined. The combined sign shall not exceed one hundred (100) square feet in total area.

(4) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.

(5) Off-premise signs are permitted as follows:

(i) Off-premise signs not exceeding one hundred (100) square feet in area are permitted except in the Central Business District. Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total sign area is not exceeded and the two (2) faces are not separated by more than a 12 inch distance. Such sign shall be no closer than fifteen (15) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least one thousand (1000) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets. Such off-premise sign shall not be located within a five hundred (500) foot radius from any City or County residential district or from any church, school and health care facility. Such off-premise sign shall not be located closer than three hundred (300) lineal feet from any City or County office district.

(ii) In lieu of item (i) above, off-premise signs not exceeding three hundred (300) square feet in total area are permitted except in the Central Business District. Each off-premise

1 sign may contain a maximum of two (2) sign
2 faces facing the same direction as long as
3 the total area is not exceeded and the two
4 (2) faces are not separated by more than a
5 twelve (12) inch distance. Such sign shall
6 be no closer than twenty (20) feet to the
7 front lot line, and shall not exceed thirty-
8 five (35) feet in height. Such sign shall be
9 spaced at least one thousand (1000) lineal
10 feet from any other off-premise sign in any
11 direction along frontage on both sides of a
12 street and cross streets.

13 Such off-premise sign shall not be located
14 within a five hundred (500) foot radius from
15 any City or County residential district or
16 from any church, school and health care
17 facility.

18 Such off-premise sign shall not be located
19 closer than three hundred (300) lineal feet
20 from any City or County office district.

- 21 (iii) A double-faced off-premise sign or a V-type
22 off-premise sign not exceeding an angle of
23 sixty degrees (60°) and no further than
24 twelve (12) inches at the closest point
25 between the two faces shall be exempt from
26 the spacing requirements between such two
27 sign faces only.

28 33.73 - Permitted Signs: Industrial Districts

29 (A) M-1, M-2, AND M-3 ZONING DISTRICTS.

- 30 (1) On-premise wall signs, attached to the face of the
31 building, or mansard roof or substantially
32 parallel thereto and not projecting above or
beyond the roof or top of the cornice wall, are
permitted. The copy area of such wall signs per
building facade shall not exceed thirty percent
(30%) coverage of the wall face or three hundred
(300) square feet, whichever is less.
- (2) One on-premise free-standing sign on each street
frontage per development parcel is permitted.
- (i) The sign shall not exceed three hundred (300)
square feet in area and fifty (50) feet in
height.
- (ii) The sign shall be located no closer than five
(5) feet from the front lot line and five (5)
feet from the side lot line.
- (iii) See Section 33-69 (K) for residential spacing
requirements.
- (3) One on-premise marquee sign may be attached to the
marquee but not extend into or over the public
right-of-way, provided such signs do not exceed
five (5) feet in height and may extend as long as
the marquee. Those signs projecting above or

below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.

(4) In lieu of the sign permitted in paragraphs (2) and (3) above, one on-premise projecting sign for each business may be substituted. Such projecting sign may project from the building a maximum of eight (8) feet and shall not project above the roofline or top of a cornice wall. Such sign shall have a minimum clearance of eight (8) feet above the walk or grade below and a maximum area of forty (40) square feet.

(5) Off-premise signs are permitted as follows:

(i) Off-premise signs not exceeding one hundred (100) square feet in total area are permitted except in the Central Business District. Such sign shall be no closer than fifteen (15) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least one thousand (1000) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets. Such sign shall not be located within a five hundred (500) foot radius from any City or County residential districts or from any church, school and health care facility.

Such off-premise sign shall not be located closer than three hundred (300) lineal feet from any City or County office district.

(ii) In lieu of item (i) above, off-premise signs not exceeding three hundred (300) square feet in total area are permitted except in the Central Business District. Such sign shall be no closer than twenty (20) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least one thousand (1000) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such sign shall not be located within a five hundred (500) foot radius from any City or County residential district or from any church, school and health care facility. Such sign shall not be located closer than three hundred (300) lineal feet to any City or County office district.

(iii) In the M-3 district only, and in lieu of items (i) and (ii) above, off-premise signs not exceeding six hundred seventy-five (675) square feet in area are permitted except in

1 the Central Business District. Such signs
2 shall be no closer than thirty (30) feet to
3 the front lot line, shall not exceed a height
4 of thirty-five (35) feet and shall be spaced
at least one thousand (1000) lineal feet from
any other off-premise sign in any direction
along frontage on both sides of a street and
cross streets.

5 Such off-premise signs shall not be located
6 within a five hundred (500) foot radius from
7 any City or County residential district or
8 from any church, school or health care
9 facility.

10 Such off-premise sign shall not be located
11 closer than three hundred (300) lineal feet
12 from any City or County office district.

- 13 (iv) A double-faced off-premise sign or a V-type
14 off-premise sign not exceeding an angle of
15 sixty degree (60°) and no further apart than
16 twelve (12) inches at the closest point
17 between the two faces shall be exempt from
18 the spacing requirements between such two
19 sign faces only.

20 33.74 - Planned Districts

21 The Planned Districts addressed by the zoning ordinance
22 covers all districts which require a development plan to be
23 approved by the Plan Commission. These districts shall
24 include PUD, POD and B-2. In order for any special sign
25 treatment to be approved in these districts, the developer
26 shall submit a "master sign program" for that development
27 for the approval of the Plan Commission.

- 28 (A) Such planned program shall include the following
29 information for each sign:

- 30 (1) Size of sign face;
31 (2) A rendering of each sign type including height;
32 (3) Lighting; and
(4) Location.

- (B) Such signs shall conform to all the requirements of
that district, or as approved by the City Plan
Commission.

33.75 - Other Permitted Signs

The following signs shall be permitted in the areas
specified if they comply with all the requirements of this
Chapter. The following signs shall not require a permit,
unless otherwise noted:

- (A) In all residential zoning districts, on-premise free-
standing signs not exceeding twenty (20) square feet in
area nor five (5) feet in height, and no closer than
ten (10) feet to any lot line identifying multiple
family housing complexes, neighborhood associations and
subdivision areas at each entrance, shall be permitted;
provided, that if the sign is a part of an approved
landscape screen, then the copy area shall not exceed

thirty-two (32) square feet, nor six (6) feet in height. Signs within a required front yard may be located only at the entrance from a major street to the multiple housing complex or subdivision area. No more than two signs may be located at any entrance.

(B) In any non-residential zoning district, a subdivision identification sign at each entrance, shall be permitted under the following conditions:

(1) One sign per main entrance is permitted. The area of the sign, including support structure, shall not exceed seventy-five (75) square feet.

(2) It shall not be located closer than five (5) feet to the front lot line and five (5) feet from the side lot line.

(3) The height of such signs shall not exceed five (5) feet, with the height to be determined by a measurement from the ground level at the lowest grade level within two (2) feet of either side of the sign.

(4) Such sign shall only be for the identification of the subdivision.

(C) In any zoning district, the following signs shall be permitted for churches and schools and shall require a permit.

(1) One on-premise free-standing sign per street frontage, the area of the sign not to exceed fifty (50) square feet including the sign structure, and a height not to exceed seven (7) feet. Signs shall not be located closer than five (5) feet to the front lot line and five (5) feet from the side lot line.

(2) Additionally, one on-premise wall sign is permitted with the area of the sign not exceeding thirty-two (32) square feet.

(3) One temporary sign not exceeding thirty-two (32) square feet in area and five (5) feet in height is permitted for a maximum of seven (7) days for an event. Such sign shall not be located closer than five (5) feet to the front lot line and five (5) feet from the side lot line.

(D) In any zoning district, the following on-premise signs shall be permitted:

(1) Official signs authorized by a government or subdivision thereof, including traffic, directional, and warning signs, public notices, and proclamations erected or displayed in discharge of any government function, or where required by law, ordinance or regulation;

(2) Flags or banners of any government or subdivision thereof, or of any educational, charitable,

religious, political, civic or service organization;

- (3) Historical or commemorative plaques or tablets;
 - (4) Memorial plaques, tablets, or building cornerstones, when cut or carved into a masonry surface, or when made of incombustible material and made an integral part of the building or structure it identifies;
 - (5) Street names and numbers;
 - (6) Reflectors and other safety signs or devices used to mark driveways, towers, airport approaches, and other potentially dangerous structures or situations; as well as warning signs for underground public utilities are permitted;
 - (7) Murals, exclusive of any sign copy area, painted on the wall of a building, fence, or similar structure shall be permitted;
 - (8) Historically significant signs may be exempted from the provisions of this chapter after being reviewed and approved by the Historic Preservation Review Board and in conformance with any historic preservation ordinance adopted by the City;
 - (9) Information and/or direction signs are not to exceed six (6) square feet in area and three (3) feet in height which direct traffic within a premise or which identify the location of rest rooms, telephone, freight entrances, etc. are permitted. The sign may include name of business or logo.
 - (10) Temporary institutional signs, not to exceed thirty-two (32) square feet in area announcing a campaign drive or other event of a civic, philanthropic, education or religious organization are permitted. These signs shall be permitted not more than thirty (30) days prior to the event and shall be removed within seven (7) days after the event;
 - (11) Warning signs, warning the public against hunting, fishing, trespassing, dangerous animals, swimming, etc. are permitted, provided the area of such signs not exceed four (4) square feet and height not exceeding three (3) feet.
- (E) The following signs are permitted on the premises used as service stations in addition to those signs otherwise permitted in the zoning district in which such service stations are located:
- (1) Signs are permitted on either face of the gas pump not to exceed a total copy area of four (4) square feet each side per motor fuel dispenser;
 - (2) One additional on-premise wall sign per street

frontage not exceeding six (6) square feet of area each is permitted;

(3) One additional on-premise canopy sign per canopy face, except if it faces an abutting City or County residential or office district, not to exceed fifty (50) square feet per face;

(4) One two faced sign per street frontage, identifying self-service, full service and gas prices, each face not to exceed fifty (50) square feet in area.

(F) In any commercial district, two (2) on-premise free-standing signs each not to exceed twenty (20) square feet in area or one (1) on-premise free standing sign not to exceed thirty-two (32) square feet in area functioning as menu boards are permitted in conjunction with an eating establishment utilizing ordering from the vehicle; provided, any sign shall not exceed six (6) feet in height, and shall not be permitted in the required front or side yard of the district in which it is located.

(G) Signs painted, printed or mounted on vehicles which are incidentally displayed on any vehicle in connection with the use of such vehicle for transportation purposes, are permitted, provided such vehicles are licensed and operable.

33.76 - Temporary Signs

The following temporary signs shall be permitted with specific regulations as set out below and shall not require a permit:

(A) In any zoning district, at such time that the property is placed on the market, one on-premise real estate sign may be erected on each street frontage of a premise, identifying an offer for the sale, rent or lease of all or part of the premise on which it is located. Such sign shall be removed within seven (7) days after closing the sale, renting or leasing of the property, and under the following conditions:

(1) In any residential district, such real estate sign shall not exceed six (6) square feet of area. It may be located in a required yard. Its height is not to exceed four (4) feet.

(2) In any other zoning district, such real estate sign shall not exceed thirty-two (32) square feet in area. It may be located in a required yard. Its height is not to exceed eight (8) feet.

(B) In any zoning district, an auction sign is permitted, the area of the sign shall not exceed thirty-two (32) square feet and a height of six (6) feet. The sign is permitted for twenty-one (21) days prior to the event and must be removed within five (5) days after the event.

(C) Holiday decorations for religious or national holidays

are permitted. Such decorations may blink, flash or move and may be located in a required yard, provided, however, that no such holiday decoration shall interfere with traffic or present any other hazard to the safety or welfare of the public.

(D) One temporary construction sign per street frontage shall be permitted at a construction site to identify the nature of the construction and those persons or firms associated within, including contractors, architects, finance companies and owners. Such signs shall not exceed sixteen (16) square feet of area and six (6) feet in height when located in residential districts. In any other zoning districts, if such sign is located within one hundred (100) feet of any residential district along side and front lot line it shall not exceed sixty-four (64) square feet of area and twelve (12) feet in height. If such sign is located more than one hundred (100) feet from any residential district along side and front lot line, it shall not exceed one hundred twenty-eight (128) square feet in area and twenty (20) feet in height. Such signs may be located five (5) feet or more from the front lot line. If such sign is located in a residential district under development that consists of five (5) acres or more, then the sign shall not exceed one hundred twenty-eight (128) square feet in area and twenty (20) feet in height.

(E) In all business and industrial zoning districts, temporary wall signs not to exceed thirty-two (32) square feet in area identifying special sales and openings, shall be permitted on the premises of commercial establishments for no more than sixty (60) days in any calendar year.

(F) In all residential districts, a garage sale sign is permitted in connection with a garage sale, yard sale, carport sale, home moving or other similar sale. Such sign shall not exceed four (4) square feet in area nor three (3) feet in height and may be located in the required front yard. Such sign may be placed no more than seven (7) days prior to the garage sale and shall be removed as soon as the garage sale is over.

(G) In all nonresidential districts, a sign announcing moving of a business to a new location is permitted for a period of sixty (60) days. Such sign shall not exceed thirty-two (32) square feet in area and eight (8) feet in height.

(H) Banners, pennants and flags shall be permitted for nonprofit civic activities only.

33.77 - Special Sign District

In any nonresidential district, occupants of sixty percent (60%) or more of the street frontage of any block face, may petition the City Plan Commission for the formation of a special sign district for the purpose of defining an area of particular historical, ethnic, cultural or entertainment atmosphere. Those occupants shall present proposed sign criteria to the City Plan Commission for review and

approval.

33.78 - Variance Procedure

(a) Use Variance

The Board of Zoning Appeals shall approve or deny variances of use from the terms set forth here. The Board may impose reasonable conditions as a part of its approval, however, a variance may be approved under this section only upon a determination in writing that:

1) Approval will not be injurious to the public health, safety, morals, and general welfare of the community;

2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

3) The need for the variance arises from some condition peculiar to the property involved;

4) The strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and

5) the approval does not interfere substantially with the comprehensive plan adopted by the City of Fort Wayne.

(b) Variance from development standards

The Board of Zoning Appeals shall approve or deny variances from the development standards set forth here. A variance may be approved under this section only upon a determination in writing that:

1) the approval will not be injurious to the public health, safety, morals, and general welfare of the community;

2) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

3) the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

33.79 - Conformity

It shall be illegal for any sign to be placed, erected or constructed except as provided in this Chapter. Any person, firm or corporation violating any provisions of this Chapter, or failing to comply with any order or regulation made hereunder shall be in violation and subject to all penalties thereof.

33.80 - Nonconforming Signs

Reasonable repairs, alterations and conversions may be made to nonconforming signs as long as location, height and area is the same or less than as that of a nonconforming sign or meets the requirements of this ordinance. However, in the event that any such sign is hereafter damaged by any means

whatsoever, including an act of God, and the damage exceeds fifty percent (50%) of the replacement value according to certified documentation such sign may be restored, reconstructed, altered or repaired only in conformance with the provisions of this Chapter.

33.81 - Enforcement

It shall be the duty of the Division of Community & Economic Development to enforce the provisions of this Chapter in the manner and form with the powers provided by this Chapter and any and all other provisions of this Code, and as provided in the laws of the State of Indiana.

All departments, officials and employees of the City who are vested with the city or have authority to issue permits or licenses shall not issue any permit or license for any sign which would conflict with the provisions of this Chapter.

33.82 - Filing Fees

Applications for Improvement Location Permits shall be paid to and collected by the Division of Community and Economic Development per fees established by the City Plan Commission:

No part of any filing fee paid pursuant to this Chapter shall be returnable to the applicant or petitioner.

33.83 - Penalties and Injunctive Relief

- (A) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer or any other party who violates any provision of this Chapter, shall be fined not less than Twenty-Five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars for each offense. Each day of the existence of any violation of the Chapter shall be a separate offense.
- (B) The erection, construction, enlargement, conversion, moving or maintenance of any sign and the use of any sign which is continued, operated or maintained contrary to any provisions of this Chapter, is hereby declared to be a nuisance and in violation of this Chapter and unlawful unless otherwise permitted in this Chapter. The Division of Community and Economic Development, in the name of the City and/or its Corporation Counsel, may institute a suit for injunction in the Circuit Court or any Superior Court of the County to restrain any person or governmental unit from violating any provision of this Chapter and to cause such violation to be prevented, abated or removed. Such action may also be instituted by any property owner who may be especially damaged by the violation of any provision of this Chapter.
- (C) The remedies provided for in this Chapter shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

33.84 - Severability of Provisions of this Chapter

If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of

competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

SECTION 3. Section 33-3 (zz) shall be deleted and replaced with the following:

(zz) Sign - See Article XII for the definition of sign.

SECTION 4. Section 33-14 (a) (8) shall be deleted and replaced with the following:

(8) Name plate or sign. See Article XII for regulations regarding signage in R-1 districts.

SECTION 5. Section 33-14 (d) (9) shall be deleted and replaced with the following:

(9) Name plate or sign. See Article XII for regulations regarding signage in RA and RB districts.

SECTION 6. Section 33-14 (e) B1B District (28) shall be deleted and replaced with the following:

(28) Advertising sign. See Article XII for regulations regarding signs in commercial districts.

SECTION 7. Section 33-14 (o) (6) j. shall be deleted and replaced with the following:

j. Signs: Signs within a P.O.D., shall be regulated by Article XII of this chapter.

SECTION 8. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and legal publication thereof.

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

AN ORDINANCE CONCERNING THE PLACEMENT
OF SIGNS WITH THE CITY LIMITS
OF FORT WAYNE, INDIANA.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1: That Chapter 34 of the Municipal Code of
the City of Fort Wayne is repealed.

SECTION 2: That Chapter 33 of the Municipal Code of
Fort Wayne is hereby amended to add as follows:

ARTICLE XII Sign Ordinance

Section:	33.65	Purpose
	33.66	Definitions
	33.67	Requirement of Permit
	33.68	Maintenance and Removal
	33.69	Miscellaneous Provisions
	33.70	Residential Districts
	33.71	Office District
	33.72	Business Districts
	33.73	Industrial Districts
	33.74	Planned Districts
	33.75	Other Permitted Signs
	33.76	Temporary Signs
	33.77	Special Sign District
	33.78	Variance Procedure
	33.79	Conformity
	33.80	Nonconforming Signs
	33.81	Enforcement
	33.82	Filing Fees
	33.83	Penalties and Injunctive Relief
	33.84	Severability of Provisions of This Chapter

33.65 Purpose

The purpose of this ordinance shall be to coordinate the type, placement, and physical dimensions of signs within the different zoning districts; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; to guarantee equal treatment under the law through accurate record keeping and consistent enforcement; to protect and promote property values of the community; and to improve the appearance and aesthetic quality of the community.

33.66 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(A) **Area of Sign** shall mean the area in square feet of the

smallest, simplest, single geometric figure which encloses the area which forms the outside shape of the sign face.

- (B) **Construction Sign** shall mean any sign announcing the names of architects, engineers, contractors or other individuals or firms involved with the construction, alteration, or repair of a building project or announcing the character of the building enterprise or the purpose for which the project is intended.
- (C) **Development Parcel** shall mean a combined use of parcels and/or lots in singular and/or common ownership which has shared development characteristics, such as but not limited to parking, access, and/or service areas.
- (D) **Direction Sign** shall mean any sign which serves solely to designate the location or direction of any area or place.
- (E) **Directory Sign** shall mean a sign which provides a listing of uses or tenants within a particular building or complex of buildings.
- (F) **Facade** shall mean any face of a building which faces a street, private roadway, parking lot, or pedestrian walkway.
- (G) **Flashing Sign** shall mean any sign which flashes or appears to flash by a powered light source.
- (H) **Free-standing Sign** shall mean a sign that is erected on a frame, mast or pole which is not attached to a building.
- (I) **Height of a Sign** shall mean the distance between the lowest grade level within two (2) feet of either side of a sign, and the highest part of the sign or its supporting structure;
- (J) **Lineal**, for purposes of this ordinance, shall mean a distance in any direction along frontage on both sides of a street and cross streets. This term shall not apply to signs located on parallel streets.
- (K) **Marquee Sign** shall mean a sign designed and/or constructed as an integral part of a marquee or giving the appearance of being an integral part of a marquee. Marquee signs shall also include canopy and awning signs.
- (L) **Mobile Sign** shall mean a sign which is designed to be moved from one location to another, and is not permanently affixed to the ground or to a structure that is permanently affixed to the ground.
- (M) **Off-Premise Sign** shall mean any sign which identifies or directs attention to a product, service, or activity or business not conducted on the premises on which the sign is located.
- (N) **On-Premise Sign** shall mean any sign which identifies or

directs attention to a product, service, activity or business conducted on the premises on which the sign is located.

(O) **Projecting Sign** shall mean a sign other than a wall sign which is attached to and projects from a structure or building face and does not project above the roof line or the cornice wall;

(P) **Sign** shall mean any identification, description, symbol, illustration or device which is in view of the general public and which identifies or directs attention to a person, place, product, service, activity, institution or business.

(Q) **Top Roof Line** shall mean the principle top edge of the roof of a building;

(R) **Wall Sign** shall mean any sign attached or affixed to the wall of a building which projects no more than twelve (12) inches from said wall surface;

33.67 - Requirement of Permit

An Improvement Location Permit shall be required before the erection, construction, placing or locating of all signs regulated by this ordinance, except as otherwise exempted in this Chapter.

33.68 - Maintenance and Removal

All signs, including, but not limited to, those signs for which permits are required, shall be maintained in a good state of repair, including replacement of defective parts, painting, cleaning and other acts required for the maintenance of said sign.

The Division of Community & Economic Development shall have the right of entry in order to inspect all signs for compliance with the provisions of this ordinance.

When any sign is not maintained within the provisions of this ordinance or determined otherwise unsafe, the Division of Community & Economic Development, or their authorized representative, shall send written notice to the owner of the property on which the sign is located to remove, repair or alter the sign. If said sign is not removed, repaired, or altered within 90 calendar days, the Division of Community & Economic Development, or their authorized representative, can cause the sign to be removed, repaired, or altered at the expense of the owner of the property in accordance with the provisions of this Chapter and as set forth under 33.83.

33.69 - Miscellaneous Provisions

(A) No sign or part thereof shall be erected or maintained except in conformance with the provisions of this Chapter;

(B) Signs may be illuminated by an external light source, provided that the source shall be effectively concealed from view. Signs which incorporate in any manner any

flashing, moving or revolving illumination are not permitted except as provided in this Chapter and provided that the illumination of any sign shall not exceed 300 foot lamberts as measured at any point on the property line upon which the sign is located;

(C) No sign shall blink or flash, nor be illuminated by any device so as to appear to blink or flash, except as otherwise expressly provided in this Chapter;

(D) No sign shall be erected upon, maintained in, encroach upon or overhang any public right-of-way without the approval of the Board of Public Works, except as expressly provided in this Chapter and State and Federal law as amended. However, all other applicable standards of this Chapter shall apply.

(E) The area of a V-type sign not exceeding an angle of sixty degrees (60°) is calculated on one face of the sign only;

(F) No sign shall be painted on or attached to rocks, trees, or any other natural object, except monument signs;

(G) Sign regulations for uses permitted by the Board of Zoning Appeals, and/or non-conforming uses shall be as follows:

(1) Pursuant to the restrictions and regulations for the signs in the district in which located, or

(2) A wall and/or free standing sign of up to thirty-two (32) square feet in area. A free standing sign shall neither exceed six (6) feet in height nor have a front and side yard setback of less than five (5) feet.

This sub-section shall not have precedent over any direct stipulations imposed by the Board of Zoning Appeals.

(H) Strings of light bulbs are prohibited, unless as decorations associated with a recognized legal holiday or city festival, in no case to be permitted beyond a forty-five (45) day period, and consistent with all other regulations in this Chapter;

(I) One mobile sign per development parcel may be located in B-1A, B-1B, B-3B, B-4, M-1, M-2 and M-3 districts. Such sign shall be permitted up to two (2) times a calendar year not to exceed thirty (30) days per permit. Such sign shall be located a minimum of five (5) feet from any lot line and shall not exceed thirty-two (32) square feet in area;

(J) In all nonresidential zoning districts, a roof sign may be permitted as an alternative to a permitted free-standing sign under the following conditions:

(1) The business for which the roof sign is sought offers no feasible opportunity for placement of a

free-standing sign as otherwise authorized within the zoning district;

(2) The roof signs shall not be higher than the district height limitation for buildings;

(3) All such roof signs shall be finished in such a manner that the visual appearance from all sides is that they are a part of the building itself;

(4) A sign on a sloping roof must be a minimum of one (1) foot below the top roof line;

(5) The permitted roof sign shall be no larger in area than the free standing sign permitted in the zoning district in which said sign is to be located;

(6) Such sign shall not be located closer than sixty (60) feet to a residential district.

(K) On-premise free-standing signs shall be located a minimum of one hundred (100) feet from all residentially zoned districts.

A free-standing sign may be installed less than one hundred (100) feet from a residentially-zoned district provided the sign height and square footage is reduced in direct proportion to the distance the sign is located from a residential district. In no event shall a sign be permitted closer than twenty-five (25) feet to a residentially-zoned district;

(L) Unless the term "lineal" as defined and used in this ordinance is specifically stated in any particular subsection, the means of measurement shall be determined on a radial basis.

(M) Radial measurements as used in this ordinance shall start from the center of the sign base at grade, and extend outward in a circular manner for the distance specified.

(N) Lineal measurements as used in this ordinance shall start from the center of the sign base at grade as projected at a right angle to the nearest right-of-way line, and then extend as specified. Where the center of the sign base is equidistance from two or more right-of-way lines, the more restrictive limitation shall be applied.

(O) As used in this ordinance, the Central Business District shall be defined as that area bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. The Central Business District has a unique identity and contains special physical conditions found nowhere else in the city. Because the Central Business District is such a unique and individual environment, it is not in the best interest of the revitalization efforts that are ongoing in this area to permit off-premise signs. Therefore off-premise signs as defined

in this Ordinance shall not be permitted in the Central Business District.

33.70 - Permitted Signs: Residential Districts

RA, RB, R-1, R-2, and R-3, ZONING DISTRICTS.

One on-premise wall sign, not to exceed one (1) square foot of copy area, non-illuminated and nonreflecting, used to identify block parents, the name of the premises or occupants thereof, or to provide similar information is permitted, with the exception of signs expressly permitted under Section 33.68 (G).

33.70 - Permitted Signs: Office District

(A) POD ZONING DISTRICT

- (1) One on-premise wall sign for each main building, not to exceed fifty (50) square feet, limited to identifying the building or activity being conducted on the premises, is permitted per street frontage.
- (2) One on-premise free-standing sign per entrance, identifying the name of the office park or activity conducted within the district shall be permitted. Such sign shall not exceed thirty-two (32) square feet in area, shall have a maximum height of six (6) feet, and shall be permitted with a five (5) foot setback from the front lot line. Such sign shall not face any residential district fifty (50) feet away.
- (3) If there is more than one building, a freestanding directory sign is permitted for each building. Such sign shall be located in the interior of the development with a maximum height of six (6) feet and may not exceed fifty (50) square feet in total area.
- (4) Any proposed sign other than as permitted above shall be subject to City Plan Commission review as part of the development plan process. The sign regulation in sub-paragraphs (1), (2), and (3) above may be modified by the Plan Commission with the granting of development plan approval in conformance with the other requirements of the POD zoning district and other development plan procedures.
- (5) Pre-existing Signs Any sign that was legally erected in this district prior to November 6, 1986 shall be deemed to have received Plan Commission approval as herein required and shall not be a non-conforming sign. Such sign may be converted without Plan Commission approval for new tenants, as long as the location and copy area remains the same or less than that of the pre-existing sign.

33.72 - Permitted Signs: Business Districts

(A) B-1A And B-1B ZONING DISTRICT

1 (1) On-premise wall sign(s) on building facades,
2 attached to the face of the building, or mansard
3 roof or substantially parallel thereto and not
4 projecting beyond or above the roof or top of
the cornice wall, are permitted. The copy area of
such wall sign(s) per building facade shall not
exceed one hundred (100) square feet .

5 (2) One on-premise free-standing sign per development
6 parcel per street frontage is permitted.

7 (i) The free-standing sign shall not exceed one
8 hundred (100) square feet in area and not
9 exceed thirty-five (35) feet in height. Such
sign may be located a minimum of five (5)
feet from any front and side lot line.

10 (ii) See Section 34-69 (K) for residential spacing
11 requirements.

12 (3) In lieu of the sign permitted in paragraph (2),
13 above, one on-premise projecting sign is
14 permitted. Said projecting sign may project from
a building a maximum of six (6) feet and may
project into a required front yard. Such sign
shall have a minimum ground clearance of eight (8)
feet above the walk or grade below. The maximum
area of such sign shall be forty (40) square feet.

15 Where more than one business is located on the
16 development parcel, the on-premise projection
17 signs shall be combined, and resultant sign shall
not exceed seventy-five (75) square feet in total
area.

18 (4) One on-premise marquee sign may be attached to the
19 marquee but not extend into or over the public
20 right-of-way, provided such signs do not exceed
five (5) feet in height and may extend as long as
the marquee. Those signs projecting above or
below the marquee shall be erected at a ninety
degree (90°) angle to the building, and shall
project no more than six (6) feet with a minimum
clearance of eight (8) feet above the walk or
grade below. The sign shall not project above the
cornice or roof of the building.

24 (5) Off-premise signs not exceeding one hundred (100)
25 square feet in total area are permitted except in
26 the Central Business District which is bounded by
27 the railroad right-of-way to the south, Clay
Street to the east, Van Buren Street to the west,
and the river to the north.

28 (i) Each off-premise sign may contain a maximum
29 of two (2) sign faces facing the same
30 direction as long as the total sign area is
31 not exceeded and the two (2) faces are not
32 separated by more than twelve (12) inch
distance.

(ii) Such sign shall be no closer than fifteen (15) feet to the front lot line, and shall not exceed thirty-five (35) feet in height.

(iii) Such sign shall be spaced at least one thousand (1000) lineal feet from any other off-premise sign.

(iv) Such off-premise sign shall not be located within a five hundred fifty (500) foot radius from any City or County residential district or from any church, school and health care facility. Such off-premise sign shall not be located closer than three hundred (300) lineal feet from any City or County office district.

(v) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and not further than twelve (12) inch at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

(B) B-2 ZONING DISTRICT

In the B-2 zoning district, only on-premise signs are permitted.

(1) Except as provided herein, all signs shall be attached to a building and shall not project above the top of the building to which they are attached. Signs attached to a building shall be substantially parallel thereto and shall not project more than one (1) foot from the face thereof. All signs must show only the name and use of the store or premise for which they are erected or the identification for the entire commercial area. The copy area of wall signs per store facade shall not exceed twenty-five percent (25%) coverage of the wall surface or the square footage of a free-standing sign in that district, whichever is less.

(2) One on-premise free-standing sign identifying the entire commercial area and not exceeding the maximum square footage in area or height as provided in this section may be permitted on each public street abutting the perimeter of such district. If the frontage along a public street exceeds eight hundred (800) feet, there may be two free-standing signs permitted but not located closer than five hundred (500) feet from any other free-standing sign. In addition, any single user commercial pad area within the district which has an area of one (1) acre or more shall be permitted one on-premise free-standing sign, not exceeding thirty-five (35) square feet in area and four (4) feet in height.

Conforming signs are permitted in the required

front yard but not closer than five (5) feet from the front property line. The maximum square footage and height for signs in each district shall be:

B-2A -	Area: 200 square feet
	Height: 35 feet
B-2B & B-2C -	Area: 300 square feet
	Height: 40 feet
B-2D -	Area: 400 square feet
	Height: 50 feet

- (3) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.
- (4) Any proposed signs other than as permitted above shall be subject to Plan Commission review and approval as part of the development plan process. The sign regulations in subparagraph (1), (2), and (3) above may be modified by the Plan Commission with the granting of Development Plan approval in conformance with all other requirements of the applicable Development Plan procedures.
- (5) Pre-existing Signs: Any on-premise sign that was legally erected in this district prior to November 6, 1986 shall be deemed to have received Plan Commission approval as herein required and shall not be a nonconforming sign. Such sign may be converted without Plan Commission approval for new tenants, as long as the location and copy area remains the same or less than that of pre-existing sign.

C) B-3-A ZONING DISTRICT

In the B-3-A zoning district only on-premise signs are permitted.

- (1) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet. The sign shall not project above the cornice wall or roof of the building.
- (2) On-premise wall signs on building facades attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting

above or beyond the roof or top of the cornice wall, are permitted. Such wall signs shall project not more than twelve (12) inches from the facade of the building. The copy area of such wall signs per building facade shall be as follows:

- (i) If the sign is located up to fifty (50) feet height above the sidewalk, it shall not exceed fifty (50) square feet;
- (ii) If the sign is located over fifty (50) feet but less than one hundred (100) feet above the sidewalk, it shall not exceed one hundred (100) square feet;
- (iii) If the sign is located over one hundred (100) feet above the sidewalk, it shall not exceed three hundred (300) square feet.

(3) One on-premise free-standing sign per development parcel per street frontage is permitted. Such sign shall not exceed one hundred (100) square feet in area and shall have a maximum height of thirty five (35) feet, and shall be located a minimum of five (5) feet from the front lot line and five (5) feet from the side lot line.

(4) See Section 34-69 (K) for residential spacing requirements.

(5) Strings of light bulbs may be used and signs may blink or flash, except for the area covered by the Calhoun Street Sign Ordinance. Signs having electronically changing copy area shall not exceed the provisions of paragraph (1) and (2) above.

(6) Signs located in the Calhoun Street Transit Mall shall comply with the Calhoun Street Sign Ordinance, Chapter 3.5 of the Code of the City of Fort Wayne as well as this Ordinance. In the event of conflict between this ordinance and the Calhoun Street Ordinance, the Calhoun Street Ordinance will apply.

(D) B-3B and B-4 ZONING DISTRICTS

(1) On-premise wall signs on the building facades or mansard roof, substantially parallel thereto, and not projecting beyond the roof or top of the cornice wall, are permitted. The copy of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face, or two hundred fifty (250) square feet whichever is less.

(2) One on-premise free-standing sign per developed per street frontage is permitted.

- (i) The free-standing sign shall not exceed two hundred fifty (250) square feet in area and a maximum height of fifty (50) feet.

(ii) The signs shall be no closer than five (5) feet to the front property line and no closer than five (5) feet to the side property line.

(iii) See Section 34-69 (K) for residential spacing requirements.

(3) In lieu of the sign permitted in paragraph (2) above, one on-premise projecting sign for each business may project from the building a maximum of six (6) feet and shall not project above the roof line or top of a cornice wall. Such sign shall have a minimum clearance of eight (8) feet above the walk or grade below, and a maximum area of fifty (50) square feet.

Where more than one business is located on the development parcel, the on-premise projecting signs shall be combined. The combined sign shall not exceed one hundred (100) square feet in total area.

(4) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.

(5) Off-premise signs are permitted as follows:

(i) Off-premise signs not exceeding one hundred (100) square feet in area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total sign area is not exceeded and the two (2) faces are not separated by more than a 12 inch distance. Such sign shall be no closer than fifteen (15) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least one thousand (1000) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets. Such off-premise sign shall not be located within a five hundred (500) foot radius from any City or County residential district or from any church, school and health care facility. Such off-premise sign shall not be located closer than three hundred (300) lineal feet from any City or County office district.

1 (ii) In lieu of item (i) above, off-premise signs
2 not exceeding three hundred (300) square feet
3 in total area are permitted except in the
4 Central Business District which is bounded by
5 the railroad right-of-way to the south, Clay
6 Street to the east, Van Buren Street to the
7 west, and the river to the north. Each off-
8 premise sign may contain a maximum of two (2)
9 sign faces facing the same direction as long
10 as the total area is not exceeded and the two
11 (2) faces are not separated by more than a
12 twelve (12) inch distance. Such sign shall
13 be no closer than twenty (20) feet to the
14 front lot line, and shall not exceed thirty-
15 five (35) feet in height. Such sign shall be
16 spaced at least one thousand (1000) lineal
17 feet from any other off-premise sign in any
18 direction along frontage on both sides of a
19 street and cross streets.

20 Such off-premise sign shall not be located
21 within a five hundred (500) foot radius from
22 any City or County residential district or
23 from any church, school and health care
24 facility.

25 Such off-premise sign shall not be located
26 closer than three hundred (300) lineal feet
27 from any City or County office district.

28 (iii) A double-faced off-premise sign or a V-type
29 off-premise sign not exceeding an angle of
30 sixty degrees (60°) and no further than
31 twelve (12) inches at the closest point
32 between the two faces shall be exempt from
 the spacing requirements between such two
 sign faces only.

33.73 - Permitted Signs: Industrial Districts

(A) M-1, M-2, AND M-3 ZONING DISTRICTS.

(1) On-premise wall signs, attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting above or beyond the roof or top of the cornice wall, are permitted. The copy area of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face or three hundred (300) square feet, whichever is less.

(2) One on-premise free-standing sign on each street frontage per development parcel is permitted.

(i) The sign shall not exceed three hundred (300) square feet in area and fifty (50) feet in height.

(ii) The sign shall be located no closer than five (5) feet from the front lot line and five (5) feet from the side lot line.

(iii) See Section 34-69 (K) for residential spacing requirements.

(3) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.

(4) In lieu of the sign permitted in paragraphs (2) and (3) above, one on-premise projecting sign for each business may be substituted. Such projecting sign may project from the building a maximum of eight (8) feet and shall not project above the roofline or top of a cornice wall. Such sign shall have a minimum clearance of eight (8) feet above the walk or grade below and a maximum area of forty (40) square feet.

(5) Off-premise signs are permitted as follows:

(i) Off-premise signs not exceeding one hundred (100) square feet in total area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. Such sign shall be no closer than fifteen (15) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least one thousand (1000) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such sign shall not be located within a five hundred (500) foot radius from any City or County residential districts or from any church, school and health care facility.

Such off-premise sign shall not be located closer than three hundred (300) lineal feet from any City or County office district.

(ii) In lieu of item (i) above, off-premise signs not exceeding three hundred (300) square feet in total area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. Such sign shall be no closer than twenty (20) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least one thousand (1000) lineal feet from any other off-premise sign

in any direction along frontage on both sides of a street and cross streets.

Such sign shall not be located within a five hundred (500) foot radius from any City or County residential district or from any church, school and health care facility. Such sign shall not be located closer than three hundred (300) lineal feet to any City or County office district.

(iii) In the M-3 district only, and in lieu of items (i) and (ii) above, off-premise signs not exceeding six hundred seventy-five (675) square feet in area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. Such signs shall be no closer than thirty (30) feet to the front lot line, shall not exceed a height of thirty-five (35) feet and shall be spaced at least one thousand (1000) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise signs shall not be located within a five hundred (500) foot radius from any City or County residential district or from any church, school or health care facility.

Such off-premise sign shall not be located closer than three hundred (300) lineal feet from any City or County office district.

(iv) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degree (60°) and no further apart than twelve (12) inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

33.74 - Planned Districts

The Planned Districts addressed by the zoning ordinance covers all districts which require a development plan to be approved by the Plan Commission. These districts shall include PUD, POD and B-2. In order for any special sign treatment to be approved in these districts, the developer shall submit a "master sign program" for that development for the approval of the Plan Commission.

(A) Such planned program shall include the following information for each sign:

- (1) Size of sign face;
- (2) A rendering of each sign type including height;
- (3) Lighting; and
- (4) Location.

1 (B) Such signs shall conform to all the requirements of
2 that district, or as approved by the City Plan
3 Commission.

4 **33.75 - Other Permitted Signs**

5 The following signs shall be permitted in the areas
6 specified if they comply with all the requirements of this
7 Chapter. The following signs shall not require a permit,
8 unless otherwise noted:

9 (A) In all residential zoning districts, on-premise free-
10 standing signs not exceeding twenty (20) square feet in
11 area nor five (5) feet in height, and no closer than
12 ten (10) feet to any lot line identifying multiple
13 family housing complexes, neighborhood associations and
14 subdivision areas at each entrance, shall be permitted;
15 provided, that if the sign is a part of an approved
16 landscape screen, then the copy area shall not exceed
17 thirty-two (32) square feet, nor six (6) feet in
18 height. Signs within a required front yard may be
19 located only at the entrance from a major street to the
20 multiple housing complex or subdivision area. No more
21 than two signs may be located at any entrance.

22 (B) In any non-residential zoning district, a subdivision
23 identification sign at each entrance, shall be
24 permitted under the following conditions:

25 (1) One sign per main entrance is permitted. The area
26 of the sign, including support structure, shall
27 not exceed seventy-five (75) square feet.

28 (2) It shall not be located closer than five (5) feet
29 to the front lot line and five (5) feet from the
30 side lot line.

31 (3) The height of such signs shall not exceed five (5)
32 feet, with the height to be determined by a
measurement from the ground level at the lowest
grade level within two (2) feet of either side of
the sign.

(4) Such sign shall only be for the identification of
the subdivision.

(C) In any zoning district, the following signs shall be
permitted for churches and schools and shall require a
permit.

(1) One on-premise free-standing sign per street
frontage, the area of the sign not to exceed fifty
(50) square feet including the sign structure, and
a height not to exceed seven (7) feet. Signs
shall not be located closer than five (5) feet to
the front lot line and five (5) feet from the side
lot line.

(2) Additionally, one on-premise wall sign is
permitted with the area of the sign not exceeding
thirty-two (32) square feet.

(3) One temporary sign not exceeding thirty-two (32)

square feet in area and five (5) feet in height is permitted for a maximum of seven (7) days for an event. Such sign shall not be located closer than five (5) feet to the front lot line and five (5) feet from the side lot line.

(D) In any zoning district, the following on-premise signs shall be permitted:

- (1) Official signs authorized by a government or subdivision thereof, including traffic, directional, and warning signs, public notices, and proclamations erected or displayed in discharge of any government function, or where required by law, ordinance or regulation;
- (2) Flags or banners of any government or subdivision thereof, or of any educational, charitable, religious, political, civic or service organization;
- (3) Historical or commemorative plaques or tablets;
- (4) Memorial plaques, tablets, or building cornerstones, when cut or carved into a masonry surface, or when made of incombustible material and made an integral part of the building or structure it identifies;
- (5) Street names and numbers;
- (6) Reflectors and other safety signs or devices used to mark driveways, towers, airport approaches, and other potentially dangerous structures or situations; as well as warning signs for underground public utilities are permitted;
- (7) Murals, exclusive of any sign copy area, painted on the wall of a building, fence, or similar structure shall be permitted;
- (8) Historically significant signs may be exempted from the provisions of this chapter after being reviewed and approved by the Historic Preservation Review Board and in conformance with any historic preservation ordinance adopted by the City;
- (9) Information and/or direction signs are not to exceed six (6) square feet in area and three (3) feet in height which direct traffic within a premise or which identify the location of rest rooms, telephone, freight entrances, etc. are permitted. The sign may include name of business or logo.
- (10) Temporary institutional signs, not to exceed thirty-two (32) square feet in area announcing a campaign drive or other event of a civic, philanthropic, education or religious organization are permitted. These signs shall be permitted not more than thirty (30) days prior to the event and shall be removed within seven (7) days after the

event;

(11) Warning signs, warning the public against hunting, fishing, trespassing, dangerous animals, swimming, etc. are permitted, provided the area of such signs not exceed four (4) square feet and height not exceeding three (3) feet.

(E) The following signs are permitted on the premises used as service stations in addition to those signs otherwise permitted in the zoning district in which such service stations are located:

(1) Signs are permitted on either face of the gas pump not to exceed a total copy area of four (4) square feet each side per motor fuel dispenser;

(2) One additional on-premise wall sign per street frontage not exceeding six (6) square feet of area each is permitted;

(3) One additional on-premise canopy sign per canopy face, except if it faces an abutting City or County residential or office district, not to exceed fifty (50) square feet per face;

(4) One two faced sign per street frontage, identifying self-service, full service and gas prices, each face not to exceed fifty (50) square feet in area.

(F) In any commercial district, two (2) on-premise free-standing signs each not to exceed twenty (20) square feet in area or one (1) on-premise free standing sign not to exceed thirty-two (32) square feet in area functioning as menu boards are permitted in conjunction with an eating establishment utilizing ordering from the vehicle; provided, any sign shall not exceed six (6) feet in height, and shall not be permitted in the required front or side yard of the district in which it is located.

(G) Signs painted, printed or mounted on vehicles which are incidentally displayed on any vehicle in connection with the use of such vehicle for transportation purposes, are permitted, provided such vehicles are licensed and operable.

33.76 - Temporary Signs

The following temporary signs shall be permitted with specific regulations as set out below and shall not require a permit:

(A) In any zoning district, at such time that the property is placed on the market, one on-premise real estate sign may be erected on each street frontage of a premise, identifying an offer for the sale, rent or lease of all or part of the premise on which it is located. Such sign shall be removed within seven (7) days after closing the sale, renting or leasing of the property, and under the following conditions:

- (1) In any residential district, such real estate sign shall not exceed six (6) square feet of area. It may be located in a required yard. Its height is not to exceed four (4) feet.
- (2) In any other zoning district, such real estate sign shall not exceed thirty-two (32) square feet in area. It may be located in a required yard. Its height is not to exceed eight (8) feet.
- (B) In any zoning district, an auction sign is permitted, the area of the sign shall not exceed thirty-two (32) square feet and a height of six (6) feet. The sign is permitted for twenty-one (21) days prior to the event and must be removed within five (5) days after the event.
- (C) Holiday decorations for religious or national holidays are permitted. Such decorations may blink, flash or move and may be located in a required yard, provided, however, that no such holiday decoration shall interfere with traffic or present any other hazard to the safety or welfare of the public.
- (D) One temporary construction sign per street frontage shall be permitted at a construction site to identify the nature of the construction and those persons or firms associated within, including contractors, architects, finance companies and owners. Such signs shall not exceed sixteen (16) square feet of area and six (6) feet in height when located in residential districts. In any other zoning districts, if such sign is located within one hundred (100) feet of any residential district along side and front lot line it shall not exceed sixty-four (64) square feet of area and twelve (12) feet in height. If such sign is located more than one hundred (100) feet from any residential district along side and front lot line, it shall not exceed one hundred twenty-eight (128) square feet in area and twenty (20) feet in height. Such signs may be located five (5) feet or more from the front lot line. If such sign is located in a residential district under development that consists of five (5) acres or more, then the sign shall not exceed one hundred twenty-eight (128) square feet in area and twenty (20) feet in height.
- (E) In all business and industrial zoning districts, temporary wall signs not to exceed thirty-two (32) square feet in area identifying special sales and openings, shall be permitted on the premises of commercial establishments for no more than sixty (60) days in any calendar year.
- (F) In all residential districts, a garage sale sign is permitted in connection with a garage sale, yard sale, carport sale, home moving or other similar sale. Such sign shall not exceed four (4) square feet in area nor three (3) feet in height and may be located in the required front yard. Such sign may be placed no more than seven (7) days prior to the garage sale and shall be removed as soon as the garage sale is over.

1 (G) In all nonresidential districts, a sign announcing
2 moving of a business to a new location is permitted for
3 a period of sixty (60) days. Such sign shall not
4 exceed thirty-two (32) square feet in area and eight
5 (8) feet in height.

6 (H) Banners, pennants and flags shall be permitted for
7 nonprofit civic activities only.

8 33.77 - Special Sign District

9 In any nonresidential district, occupants of sixty percent
10 (60%) or more of the street frontage of any block face, may
11 petition the City Plan Commission for the formation of a
12 special sign district for the purpose of defining an area of
13 particular historical, ethnic, cultural or entertainment
14 atmosphere. Those occupants shall present proposed sign
15 criteria to the City Plan Commission for review and
16 approval.

17 33.78 - Variance Procedure

18 (a) Use Variance

19 The Board of Zoning Appeals shall approve or deny
20 variances of use from the terms set forth here. The
21 Board may impose reasonable conditions as a part of its
22 approval, however, a variance may be approved under
23 this section only upon a determination in writing that:

24 1) Approval will not be injurious to the public health,
25 safety, morals, and general welfare of the community;

26 2) The use and value of the area adjacent to the
27 property included in the variance will not be affected
28 in a substantially adverse manner;

29 3) The need for the variance arises from some condition
30 peculiar to the property involved;

31 4) The strict application of the terms of the ordinance
32 will constitute an unnecessary hardship if applied to
33 the property for which the variance is sought; and

34 5) the approval does not interfere substantially with
35 the comprehensive plan adopted by the City of Fort
36 Wayne.

37 (b) Variance from development standards

38 The Board of Zoning Appeals shall approve or deny
39 variances from the development standards set forth
40 here. A variance may be approved under this section
41 only upon a determination in writing that:

42 1) the approval will not be injurious to the public
43 health, safety, morals, and general welfare of the
44 community;

45 2) the use and value of the area adjacent to the
46 property included in the variance will not be affected
47 in a substantially adverse manner; and

48 3) the strict application of the terms of the zoning

ordinance will result in practical difficulties in the use of the property.

33.79 - Conformity

It shall be illegal for any sign to be placed, erected or constructed except as provided in this Chapter. Any person, firm or corporation violating any provisions of this Chapter, or failing to comply with any order or regulation made hereunder shall be in violation and subject to all penalties thereof.

33.80 - Nonconforming Signs

Reasonable repairs, alterations and conversions may be made to nonconforming signs as long as location, height and area is the same or less than as that of a nonconforming sign or meets the requirements of this ordinance. However, in the event that any such sign is hereafter damaged by any means whatsoever, including an act of God, and the damage exceeds fifty percent (50%) of the replacement value according to certified documentation such sign may be restored, reconstructed, altered or repaired only in conformance with the provisions of this Chapter.

33.81 - Enforcement

It shall be the duty of the Division of Community & Economic Development to enforce the provisions of this Chapter in the manner and form with the powers provided by this Chapter and any and all other provisions of this Code, and as provided in the laws of the State of Indiana.

All departments, officials and employees of the City who are vested with the city or have authority to issue permits or licenses shall not issue any permit or license for any sign which would conflict with the provisions of this Chapter.

33.82 - Filing Fees

Applications for Improvement Location Permits shall be paid to and collected by the Division of Community and Economic Development per fees established by the City Plan Commission:

No part of any filing fee paid pursuant to this Chapter shall be returnable to the applicant or petitioner.

33.83 - Penalties and Injunctive Relief

(A) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer or any other party who violates any provision of this Chapter, shall be fined not less than Twenty-Five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars for each offense. Each day of the existence of any violation of the Chapter shall be a separate offense.

(B) The erection, construction, enlargement, conversion, moving or maintenance of any sign and the use of any sign which is continued, operated or maintained contrary to any provisions of this Chapter, is hereby declared to be a nuisance and in violation of this Chapter and unlawful unless otherwise permitted in this

Chapter. The Division of Community and Economic Development, in the name of the City and/or its Corporation Counsel, may institute a suit for injunction in the Circuit Court or any Superior Court of the County to restrain any person or governmental unit from violating any provision of this Chapter and to cause such violation to be prevented, abated or removed. Such action may also be instituted by any property owner who may be especially damaged by the violation of any provision of this Chapter.

(C) The remedies provided for in this Chapter shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

33.84 - Severability of Provisions of this Chapter

If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

SECTION 3. Section 33-3 (zz) shall be deleted and replaced with the following:

(zz) Sign - See Article XII for the definition of sign.

SECTION 4. Section 33-14 (a) (8) shall be deleted and replaced with the following:

(8) Name plate or sign. See Article XII for regulations regarding signage in R-1 districts.

SECTION 5. Section 33-14 (d) (9) shall be deleted and replaced with the following:

(9) Name plate or sign. See Article XII for regulations regarding signage in RA and RB districts.

SECTION 6. Section 33-14 (e) B1B District (28) shall be deleted and replaced with the following:

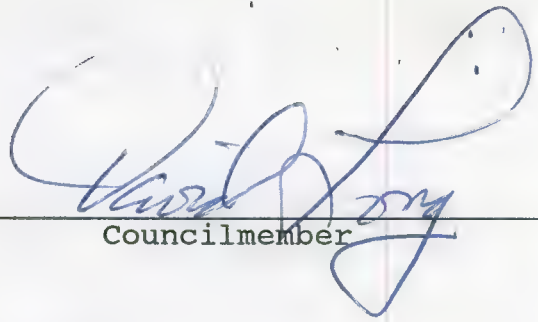
(28) Advertising sign. See Article XII for regulations regarding signs in commercial districts.

SECTION 7. Section 33-14 (o) (6) j. shall be deleted and replaced with the following:


j. Signs: Signs within a P.O.D., shall be regulated by Article XII of this chapter.

SECTION 8. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and legal publication

thereof.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULAY, CITY ATTORNEY



MEMORANDUM

TO: Members of the City Council

FROM: Greg Purcell *[Signature]* Director, Community & Economic Development

DATE: January 14, 1992

SUBJECT: Bill No. G-91-09-10 (as amended) (as amended) An ordinance concerning the placement of signs within the City limits of Fort Wayne, Indiana.

On November 26th, Common Council amended this proposed ordinance, and it was returned to the Fort Wayne Plan Commission along with a written statement from Councilman Henry, Chairman of the Regulations Committee, explaining the reasons for the councilmanic amendments. Attachment I is a copy of the material sent to the Plan Commission.

On December 23rd, the Fort Wayne City Plan Commission reviewed the proposed amendments and the reasons given for such action. The Plan Commission voted to reject the amendments proposed by Council on a 5 to 1 vote with Councilman Edmonds voting against the motion. This ordinance is now being returned for further consideration by the City Council.

The Plan Commission reviewed these documents and concluded that the original recommendations proposed by the planning staff, approved by the Sign Review Committee, endorsed by the Board of Zoning Appeals and concerned neighborhood associations, and, after a public hearing, approved by the Plan Commission, are in the best interest of the community. The Commission in its review and recommendations to the City Council, cites two major concerns with the Council's amended version of the Sign Ordinance. First, the Council's less restrictive version of the ordinance will allow for a greater proliferation of signs throughout the community. Second, the Council's amendment does not afford the reasonable and necessary protection to the special areas of the community, e.g. established neighborhoods, schools, churches, and historic vistas. In summation, the Plan Commission respectfully requests that City Council consider the community welfare over the special interest of a single entity.

Under State Law, Common Council's amendments stand only if confirmed by another vote within forty-five (45) days of the Plan Commission's last action. If Council fails to confirm its action under this clause, the ordinance takes effect as if the Council had

City Council

-2-

January 14, 1992

originally adopted it. We have been advised by legal staff that further amendments are not appropriate at this time, and that final action on the ordinance rests with the City Council.

GP/WEO/GB

Attachment .



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

11-26-91

MEMBER OF THE COMMON COUNCIL

Fort Wayne City Plan Commission
One Main Street, 8th Floor
City-County Building
Fort Wayne, IN 46802
November 25, 1991

RE: Bill No. G-91-09-10 (as amended)(as amended) -- An ordinance concerning the placement of signs within the City limits of Fort Wayne, Indiana.

Gentlemen & Ladies,

Dear members of the Fort Wayne City Plan Commission, on the 26th day of November, 1991, the Common Council of the City of Fort Wayne passed the attached second amended version of Bill No. G-91-09-10. A copy of the ordinance, (as amended) (as amended), is attached.

There were two amendments to this ordinance. The first of these amendments was the addition of language requiring a special use under certain circumstances. This specific amendment is embodied in the additional definition of historic district (or property eligible for historic designation) added as paragraph (zzz) to Sec. 33-3, and the amendment to Sec. 33-13 speaking of special uses. The reason for this amendment are as follows:

- 1). The special use designation will allow public input from the surrounding neighbors when a sign is placed within a zone measured radially from 125 to 350 feet from the relevant zoning classification; and
- 2). The selection of the radial distances was based upon the belief that a distance of more than 125 feet would restrict signs from areas where they would, in some instances, be appropriately erected. The 350 foot outer limit of the zone triggering notice and hearing is more restrictive than the ordinance previously submitted to the Common Council and helps ensure the integrity of the surrounding areas.

The second set of amendments referred to amendments in Section 33-72(A)(5), Section 33-72(D)(5) and Section 33-73(A)(5) with respect to separation from residential districts, churches, schools and health care facilities; separation from office districts; and separation from other signs.

PAGE TWO

LETTER TO F.W. CITY PLAN COMMISSION

RE: G-91-09-10 (as amended)(as amended)

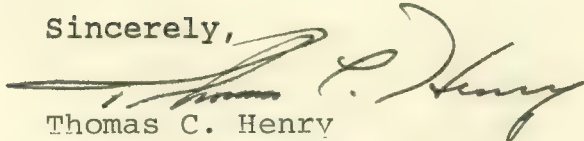
The reasons for this second set of amendments were as follows:

- 1). The maker of the amendment, Council Henry, believed that the proposed ordinance was far too restrictive (i.e. 675 foot signs allowed in M-3 zoning only; and
- 2). The proposed ordinance discriminates against off-premise signs vs. on-premise signs; and
- 3). Councilman Henry felt there was no valid explanation or supporting documentation for the 1,000 foot lineal separation from one off-premise sign to another.

In addition, his amendment addressed the following major concerns expressed by other members of the Common Council of the City of Fort Wayne. They were as follows:

- 1). The elimination of 675 foot signs in residential and business zones; and
- 2). Additional restrictions on distances from residences, churches, schools, etc.

Sincerely,



Thomas C. Henry
Chairman of the Regulations Committee

SJT/SAL/klj

- (i) Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total sign area is not exceeded and the two (2) faces are not separated by more than twelve (12) inch distance.
- (ii) Such sign shall be no closer than fifteen (15) feet to the front lot line, and shall not exceed thirty-five (35) feet in height.
- (iii) Such sign shall be spaced at least ~~one thousand--(1000)~~ three hundred (300) lineal feet from any other off-premise sign.
- (iv) Subject to Sec. 33.69, such off-premise sign shall not be located within a ~~five-hundred (500)~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school and, health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three-hundred-(300)~~ one hundred fifty (150) lineal feet from any City or County office district.
- (v) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and not further than twelve (12) inch at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

(B) B-2 ZONING DISTRICT

In the B-2 zoning district, only on-premise signs are permitted.

- (1) Except as provided herein, all signs shall be attached to a building and shall not project above the top of the building to which they are attached. Signs attached to a building shall be substantially parallel thereto and shall not project more than one (1) foot from the face thereof. All signs must show only the name and use of the store or premise for which they are erected or the identification for the entire commercial area. The copy area of wall signs per store facade shall not exceed twenty-five percent (25%) coverage of the wall surface or the square footage of a free-standing sign in that district, whichever is less.
- (2) One on-premise free-standing sign identifying the entire commercial area and not exceeding the maximum square footage in area or height as

in height. Such sign shall be spaced at least ~~one--thousand--(1000)~~ three hundred (300) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets. Such off-premise sign shall not be located within a ~~five-hundred-(500)~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school and, health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three-hundred (300)~~ one hundred fifty (150) lineal feet from any City or County office district.

(ii) In lieu of item (i) above, and subject to Sec. 33.69, off-premise signs not exceeding three hundred (300) square feet in total area are permitted except in the Central Business District. Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total area is not exceeded and the two (2) faces are not separated by more than a twelve (12) inch distance. Such sign shall be no closer than twenty (20) feet to the front lot line, and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least ~~one-thousand-(1000)~~ five hundred (500) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise sign shall not be located within a ~~five-hundred-(500)-foot~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school and, health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three hundred-(300)~~ one hundred fifty (150) lineal feet from any City or County office district.

(iii) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and no further than twelve (12) inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

33.73 - Permitted Signs: Industrial Districts

(A) M-1, M-2, AND M-3 ZONING DISTRICTS.

- (1) On-premise wall signs, attached to the face of the building, or mansard roof or substantially

parallel thereto and not projecting above or beyond the roof or top of the cornice wall, are permitted. The copy area of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face or three hundred (300) square feet, whichever is less.

(2) One on-premise free-standing sign on each street frontage per development parcel is permitted.

(i) The sign shall not exceed three hundred (300) square feet in area and fifty (50) feet in height.

(ii) The sign shall be located no closer than five (5) feet from the front lot line and five (5) feet from the side lot line.

(iii) See Section 33-69 (K) for residential spacing requirements.

(3) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.

(4) In lieu of the sign permitted in paragraphs (2) and (3) above, one on-premise projecting sign for each business may be substituted. Such projecting sign may project from the building a maximum of eight (8) feet and shall not project above the roofline or top of a cornice wall. Such sign shall have a minimum clearance of eight (8) feet above the walk or grade below and a maximum area of forty (40) square feet.

(5) Off-premise signs are permitted as follows:

(i) Subject to Sec. 33.69, Off-premise signs not exceeding one hundred (100) square feet in total area are permitted except in the Central Business District. Such sign shall be no closer than fifteen (15) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least ~~one-thousand-(1000)~~ three hundred (300) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such sign shall not be located within a ~~five hundred-(500)~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church,

1 school and, health care facility, historic
2 district (or property eligible for historic
3 designation). Such off-premise sign shall
4 not be located closer than ~~three-hundred~~
5 ~~(300)~~ one hundred fifty (150) lineal feet
6 from any City or County office district.

7 (ii)

8 In lieu of item (i) above, and subject to
9 Sec. 33.69, off-premise signs not exceeding
10 three hundred (300) square feet in total area
11 are permitted except in the Central Business
12 District. Such sign shall be no closer than
13 twenty (20) feet to the front lot line and
14 shall not exceed thirty-five (35) feet in
15 height. Such sign shall be spaced at least
16 ~~one-thousand-(1000)~~ five hundred (500) lineal
17 feet from any other off-premise sign in any
18 direction along frontage on both sides of a
19 street and cross streets.

20 Such off-premise sign shall not be located
21 within a ~~five-hundred-(500)-foot~~ one hundred
22 twenty-five (125) foot radius nor within
23 three hundred (300) lineal feet from any City
24 or County residential district or from any
25 church, school and, health care facility,
26 historic district (or property eligible for
27 historic designation). Such off-premise sign
28 shall not be located closer than ~~three~~
29 ~~hundred-(300)~~ one hundred fifty (150) lineal
30 feet from any City or County office district.

31 (iii)

32 In ~~the M-3-district-only,--and~~ In lieu of
items (i) and (ii) above, and subject to Sec.
33.69, off-premise signs not exceeding six
hundred seventy-five (675) square feet in
area are permitted except in the Central
Business District. Such signs shall be no
closer than thirty (30) feet to the front lot
line, shall not exceed a height of thirty-
five (35) feet and shall be spaced at least
one thousand (1000) lineal feet from any
other off-premise sign in any direction along
frontage on both sides of a street and cross
streets.

Such off-premise signs shall not be located
within a ~~five-hundred-(500)~~ two hundred fifty
(250) foot radius nor within five hundred
(500) lineal feet from any City or County
residential district or from any church,
school and, health care facility, historic
district (or property eligible for historic
designation). Such off-premise sign shall
not be located closer than ~~three-hundred~~
~~(300)~~ one hundred fifty (150) lineal feet
from any City or County office district.

(iv)

A double-faced off-premise sign or a V-type
off-premise sign not exceeding an angle of
sixty degree (60°) and no further apart than
twelve (12) inches at the closest point

Read the first time in full and on motion by Henry,
seconded by Redd, and duly adopted, read the second time by
title and referred to the Committee on Regulation (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Common Council Conference Room 128, City County
Building, Fort Wayne, Indiana, on _____, the _____, day
of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 9-10-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____,
seconded by _____, and duly adopted, placed on its passage.
PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>		<u>2</u>		<u>2</u>
<u>BRADBURY</u>				<u>✓</u>
<u>BURNS</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GIAQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>		<u>✓</u>		
<u>REDD</u>				<u>✓</u>
<u>SCHMIDT</u>		<u>✓</u>		
<u>TALARICO</u>	<u>✓</u>			

DATED: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK.

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19____

ATTEST: _____

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____,
at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19____, at the hour of _____ o'clock _____ M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

BILL NO. G-91-09-10 (as amended)

as amended Committee of the Whole
REPORT OF THE COMMITTEE ON REGULATIONS

Will Not
THOMAS C. HENRY, CHAIRMAN
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, BRADBURY

Committee of the Whole
WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) XXXXXXXXXXXX (RESOLUTION) CONCERNING THE
PLACEMENT OF SIGNS WITH THE CITY LIMITS OF FORT WAYNE, INDIANA

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION)xx

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Samuel J. Telenis

David C. Long

Thomas C. Henry
C. R. Edmond

Mark A. DeQuattro

DATED:

11-26-91
1-1-92

Sandra E. Kennedy
City Clerk

#488

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Ordinance proposed is the revised Sign Ordinance, which
is now made a part of the Zoning Ordinance. It is proposed in order to
coordinate the type, placement, and physical dimensions of signage within
various zoning districts, while providing for equal treatment, and protecting
property values and public welfare concerns throughout the community.

EFFECT OF PASSAGE Would eliminate some of the current provisions, and
provide for equal treatment and protection to all.

9-91-09-10

EFFECT OF NON-PASSAGE Existing ordinance would remain unchanged.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

. Approval would eliminate some variance requests heard by the Board of
Zoning Appeals.

(ASSIGN TO COMMITTEE (J.N.))

FACT SHEET

G-91-09-10

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

N/A

Reason for Project

The proposal would amend the Zoning Ordinance to include the revised Sign Ordinance, and would repeal Chapter 34, which is the existing Sign Ordinance.

Discussion (Including relationship to other Council actions)

16 September 1991 - Public Hearing

See Attached Minutes of Meeting

23 September 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council as amended with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

City Plan Commission
City Department

Other

Opponents

Groups or Individuals

Tom Niezer, attorney for
Burkhart Advertising

Basis of Opposition

-new ordinance would prevent
Burkhart from further expansion to the point of having a
punitive impact on their business.

Staff
Recommendation☒ For☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS**POLICY/ PROGRAM IMPACT****Policy or
Program
Change**☐ No☐ Yes**Operational
Impact
Assessment**

(This space for further discussion)

Project Start**Date** 30 August 1991**Projected Completion or Occupancy****Date** 25 September 1991**Fact Sheet Prepared by**

Patricia Biancaniello

Reviewed by*Michael A. Sapp***Reference or Case Number****Date**

Proposed amendment to the Zoning Ordinance.

Petitioner: City of Fort Wayne
Sign Review Committee
Community & Economic Development

Petition/Amendment:

The proposal would amended the Zoning Ordinance to include the revised sign ordinance, and would repeal Chapter 34, which is the existing Sign Ordinance.

(A copy of the proposed amendment has been provided separately.)

Planning Staff Discussion:

This proposal represents the consensus of the Sign Review Committee. It regulates the placement, type and physical dimensions of signage, while providing for equal treatment of all concerned and provides protection of community property values and general welfare.

The text of the ordinance has been revised to provide for equal and fair treatment, eliminating some discrepancies that exist in the current ordinance. These revision will eliminate many of the variance petitions currently heard by the Board of Zoning Appeals.

Other important features of the proposal will be addressed in the handouts and public presentation.

Recommendation: Do Pass

He stated he understood that they have approximately 400 existing signs at this time.

Ms. Roe stated that this ordinance would prohibit them from placing any new billboard off premise signs. She stated that when any of the existing are removed they will not be allowed to replace them. She questioned what business is not allow to grow. She stating that this ordinance will prohibit them from growing.

In rebuttal, Doug Morris stated that he does not have any problem with Burkhart as a Company. He stated that one thing that the ordinance cannot do is to look at one company and their performance in a city and base an ordinance on that. He stated that we have to have an ordinance that works for everybody and not try to specifically tailor it to one organization. He stated that the existing ordinance as it is now, is being interpreted as a radial separation from these areas. He stated that the change in the ordinance should note the method specifically as radial interpretation so that the BZA does not have to address that as a variant item. He stated that the ordinance that was passed by the City Council based on the recommendations of Burkhart, did not include an exclusion of billboards from the downtown district. He stated that they (Burkhart) had also asked for that to be added back into the ordinance, but not to the existing scale. He stated that the ordinance that City Council adopted had changed the method of a variance. Whereas, a person coming in for a variance, has to prove hardship. They had changed the wording through the Council to have it that the petitioner show that they were not causing harm to any facing area. He stated that would put the burden on more neighborhood people and others to come forward and to prove the hardship back on the sign. He stated that the ordinance had taken the burden off of the petitioner. He stated that by putting it into the Zoning Ordinance the same burdens of proof for a variance exist as exist within the other zoning ordinance. He stated that there is a difference between off premise and on premise signs. He stated that there is a difference specifically in the use of the property. He stated that the owner of a piece of property has certain characteristics to it that allow develop and business to prosper there and signs are needed to develop them. He stated that the restrictions of those areas is not due to content of the sign, it is the use of the property and the context in which it is used. He stated that there is a real need for signage on a property where a business is located. He stated that the Committee did not do everything that the staff wanted. He stated that early on into discussions there were a lot of changes. He stated that there were compromises made with regard to the on premise sign usage. He stated that the ordinance was written to be fair as an ordinance by itself, not looking at an individual group in the process. He further stated that no where in the ordinance did they attempt to address the content on the signs.

There was no one else present who wished to speak in favor of or in opposition to the proposed amendment.

to communicate their businesses to the general public. It is a proven means of advertising, one that has been with us for a number of years. It is not the only means, there are other means as well, but it is part of an overall scheme that should be made available to each and every business in this community. It helps business by permitting it to advertise what it can do here in the city of Fort Wayne. Adoption of this type of ordinance, with these types of restrictions, not only sends a very clear message to Burkhart Advertising, but is also going to send a very clear, and in his opinion, negative message to the business community of this city as well. In closing he stated he would like to reiterate, Burkhart has a proven history of listening to these types of concerns. It is not their intent to go in and wreck a neighborhood by establishing a 675 sf, as Councilwoman Bradbury affectionately refers to it "sky-raper", type of sign in the city of Fort Wayne. It is not their intent nor do they do that, those type of comments are made because people do not understand all of the facts. He stated that he would ask the Commission as the Council did a number of months ago, to take the time, familiarize yourself with who Burkhart is and what they do and what they have done in the past and what they are willing to do in this city. He stated that they want to remain a part of this city. They are going to need your help to do that at this time. He then requested that the people in the audience who were in opposition to the ordinance, those either working for or affiliated with Burkhart to stand. He noted that it was well over half of the room that stood up. He stated that those people were present that evening because this decision effects their livelihood. Burkhart is their livelihood.

Bob Hutner stated that he is not nor did he believe that the Commission was in anyway anti-Burkhart. He stated that he has been a loyal personal customer of theirs (Burkhart's) and still utilizes some of their services. Mr. Hutner stated that he did not feel any of them, whether it be the people who wrote the ordinance, or the Commission, is criticizing in any way, shape, or form Burkhart as a corporate asset to the city of Fort Wayne, nor is it not appreciative of the favors the company has done for the city. He stated that they did not say that they were not a good corporate citizen of Fort Wayne.

Zach Lothamer, 2405 Barnhart Avenue
Linda Roe, 11111 Lantern Lane - both employees of Burkhart Advertising appeared before the Commission in opposition to the proposed ordinance. They stated that they felt this ordinance would have a direct affect on their jobs and felt it could eventually cause the company to go out of business. It was stated that the radial spacing does not just restrict them it prohibits their business.

Steve Smith stated that he has been led to believe that Burkhart has 85% of the market in outdoor advertising. He questioned that if they have only made 4 new billboard signs in the last 5 years why would this damage their business to prohibit any new signage.

Sign Ordinance. Fourth and last, and perhaps he felt what was most troubling with this proposed ordinance, is the apparent and very easy to recognize disparaging treatment between on premise signs and off premise signs. In many of the same zoning districts where off premises signs are permitted, on premise signs are permitted as well. However, they (on premise signs) are permitted with much less restrictive spacing requirements from residentially zoned areas, they are given greater height variations up to 50 feet in some areas, and the setback requirements are also not as severe. For example in the M-1, M-2 and M-3 Districts they permit a 300 sf on premise sign located radially at 100 feet from the nearest residential district. He stated that an off premise sign of the same size however, is not only subject to more restrictive height requirements and setback requirements, but they are now required to be 500 feet based on a radial measurement separated from the residentially zoned properties. Why is there this disparity in treatment? There are perhaps 30 to 1 more on premise signs in the city than there are off premise signs. Why is it that they are directing all of their efforts to the off premise sign industry? I don't know. I can't explain it. Yet, I certainly hope it is not because of the content that those off premise signs utilize. Because if it is we have not only a problem in discrimination of treatment, but we have a very, very severe and significant constitutional issue as well, which will have to be addressed and dealt with. He stated that there is too much at stake to let this go by given the facts that we have here to date. He stated that Mr. O'Brien indicated earlier that he would expect a 90% to 95% decline in sign related variances being brought before the BZA. I would question that and I would ask Wayne (O'Brien) if there is some type of empirical evidence that the city can point to, I would certainly love the opportunity to review it. I think that the exact opposite is going to happen. He stated that we have such a severe restriction placed on the sign industry that I would anticipate there would be an increase in Use Variances, development variances from the terms and provisions of this ordinance by the very sign industry it is seeking to regulate. He stated that the new proposal has cleaned the ordinance up and standardized it, but everything done beyond that is going to burden clients such as Burkhardt's to come before the BZA to seek a variance from restrictions that they simply cannot live with. He stated that Mr. Purcell has indicated in the past that perhaps that is the way it should be, that they will get a fair and honest hearing in front of the BZA. Mr. Neizer stated that after hearing Mr. Morris's comments over the past few months and also seeing where the BZA has come out and taken a stand on this, there is no question in his mind but that is the last thing that they would receive. He stated that he did not feel there was any sentiment given in this information that has been emanating through the public to date that Burkhardt would be given a fair "shot" at any variance proposal brought before the BZA. The use of off premise signs helps not only Burkhardt, but as the Chamber has already noted, it is here in the city to help other businesses, both large and small. They use off premise signage

the off premise sign industry of Burkhart Advertising. He stated that zoning regulations in and of themselves prohibit certain signs being located in certain places of the city. Traffic patterns effect where certain signs are going to be located. The ability to obtain property or lease property affects Burkhart's ability to place a sign anywhere it would like to. They do not own all the pieces of property where they have signs located, rather that property is leased with them. New development changes Burkhart's ability to place new signs in the city. One example is the Apple Glen development. That development pursuant to the city's recommendation, which was approved as part of the development plan, in the case that all off premise signs have to be taken down as development occurs at the Apple Glen site. He stated that is going to result in thirteen (13) 300 sf signs eventually being eliminated along W Jefferson Blvd., as Apple Glen develops. The other factor is market trends. Burkhart can not just locate a sign anywhere, it has to locate a sign where the public is going to see it. It is for that reason why 675 sf signs in an M3 District will virtually result in no signs at all. He stated that there are not many needs for signs in heavy industrially zoned districts, there is very little traffic going by there. He stated that those factors dictate where Burkhart can locate and place signs, it is not just this ordinance. He stated that the ordinance is just one component and he would argue that it is not even the most important component. He stated that now there is an attempt here to take the ordinance and virtually eliminate any new off premise signs and seriously damage the business interests of a significant employer in Fort Wayne. The third issue is that they have no problem here as was indicated earlier. Since 1986, since the inception of the existing ordinance, there have only been a net change of 4 new off premise signs in the city of Fort Wayne in 5 years. He stated that there is no problem with the existing ordinance. He stated that he felt it was the Sign Committee's intent to clean up the 1986 ordinance to standardize it and to put some uniformity into it, and it certainly does that. It goes a lot further than that though, and places severe if not punitive restrictions on the off premise sign industry, that is not uniformity that is a direct attack towards one industry being singled out, with a recommendation being made that they should no longer be able to exist in the city as they have done in years past. He stated that the last time he reviewed the file at the city, he saw petitions from various neighborhood groups and associations maybe amounting to 200 to 300 signatures in support of an ordinance of this type. Two to three hundred signatures in a city the size of Fort Wayne. And for some reason people are now saying that should be translated into a huge ground swell of public support for drastic changes in the Sign Ordinance. He stated he did not draw that same conclusion. He stated that it appears that the community associations did not take up their petitions on their own. It appears that they had a push or some one asked them to do so. Whether it be from the BZA from the staff, from the city itself, they did not in and of themselves decide to start speaking out and complaining against the existing

despite this fact, they started to hear complaints from the Mayor's office as well as from Mr. Morris that the concerns of the neighborhood community were not being given enough weight with the revisions to the Sign Ordinance. He stated that even with Burkhart's changes, had the initial ordinance been adopted in its totality, it would have been a more restrictive sign ordinance, especially to the off premise sign industry, than what we presently have under the existing ordinance passed in 1986. He stated that what we now have is not only an ordinance which excludes some signs from the Central Business District, it also excludes the 675 sf signs from all zoning districts except the M-3 District, which is tantamount to prohibiting all new 675 sf signs in the city of Fort Wayne. He stated that the proposed ordinance further establishes, what they consider to be, prohibitive radial and lineal spacing requirements, which if passed in to law by the Commission's recommendation to the Council, and their approval, will in their estimation result over a period of time, of not only a decline in new signs going up in the city of Fort Wayne, but also serious jeopardy to the viability of the Burkhart business itself. He stated that for those reasons you can not expect Burkhart Advertising just to sit by and watch this happen. This is a vital issue to them. He stated the fact that they are here tonight, the fact that they have sat on the Sign Review Committee during its existence, should tell this Commission, the Mayor's Office, and the Neighborhood's that Burkhart's is interested not only its own business, but it is interested in listening to and meeting the concerns of the citizen's of Fort Wayne. He stated that if it is the Commission's decision to go ahead and pass on the ordinance next Monday evening, so be it, this is on a fast track as it is, being that the Sign Review Committee recommended this no earlier than September 4th. He stated that before they do he wanted to point out some key facts that are lost, That seem to never come out when there is an opportunity. The first one to keep in mind is that Burkhart, the company where all of the criticism is being directed is a good corporate citizen in the city of Fort Wayne. They have a proven record of listening to the concerns of the neighborhood. They also have a proven record of working with the city of Fort Wayne. Mr. Niezer passed out a letter from the Public Information Office of the City to Burkhart advertising requesting Burkhart to donate free space on signs in the city to advertise the fact that they are going to try and bring in a national television host for minority business week. He stated that Burkhart has a proven history of complying and working with these types of requests, and it is just not with the city of Fort Wayne. He also passed out a list and compilation of letters from area businesses, including churches, the most notable being the St. Mary's church in downtown Fort Wayne. Letters for Burkhart, setting forth their acknowledgement of good works and Burkhart's willingness to go along and try and meet the concerns of the neighborhoods. He stated that this appears to be a fact that is lost in the shuffle when talking about how restrictive the existing Sign Ordinance is. The second fact to keep in mind is that the Sign Ordinance is not the only vehicle which regulates

the proposed ordinance. He stated that Burkhart's principal operation is located in South Bend, however they operate their business primarily in the northern third of the state of Indiana. He stated that basic business activity here in the city of Fort Wayne and in Allen County is to lease space to businesses for off premise sign advertising. He stated that they primarily engage in advertising of two signs, one of which is the 300 sf and the other 675 sf sign. He stated that those are standardized size signs throughout the off premise sign industry throughout the nation. He stated that Burkhart has approximately control of over 80% of the off premise sign industry in the city of Fort Wayne and Allen County. He stated that it is a virtual monopoly, one which they are very jealous of, which they have worked extremely hard to obtain and one that they have worked extremely hard to keep operating. He stated that it is for that reason that Burkhart had a representative who routinely attended the meetings of the Sign Review Committee. He stated that Burkhart employs in excess of 25 people, they have an annual payroll of \$800,000. He stated that they own and pay taxes on over 40 pieces of real estate in the Fort Wayne and Allen County area. He stated that permit fees is just one facet of what Burkhart contributes to this community. He stated that property taxes is another, their employees who live and work in the community is a facet as well, and that has to be kept in consideration. He stated that these facets are threaten by the ordinance that is being considered tonight. He stated that this is not the first revision to the proposed 1986 Sign Ordinance. He stated that it has been documented and well publicized that there is another ordinance before City Council this year, an ordinance that was initially introduced but later amended by Burkhart, this ordinance was approved by the Sign Committee. He passed out a chart indicating what had formally been approved by the Committee and had been presented to City Council. He stated that the chart gave them an excellent idea of what they had on the table a matter of months ago. He stated that if reviewed you can see that there are very few differences of opinions between the Committee's position and Burkhart's position. He stated that in fact the parties were very close to agreement except for the one outstanding issue, and that was over the radial versus lineal measurement spacing for the 300 sf sign. He stated that Burkhart Advertising had agreed that they should no longer be any new signage in the Central Business District of Fort Wayne. He stated that they agreed to the Committee's initial recommendation as to the radial spacing requirements for the 675 sf signs. He stated that they agreed with many of the separation requirements from off premises signs, and while there was some disagreement on 675 sf signs as indicated in yellow on the sheet, Burkhart ultimately indicated its willingness to go ahead and live with the Committee's recommendation. He stated that they were very close to a new ordinance, even with Burkhart's changes to the Committee's initial recommendation he stated he would submit and it was a submission that has been shared by him with members of the City staff that the ordinance as revised in its totality would have been more restrictive than the existing 1986 ordinance. However,

the downtown areas as it affects the view of monumental civic structures and church and social structures. He stated that because of his feelings he wanted to commend the Committee with coming up with an ordinance that will make a first good step in correcting those concerns. He stated that this is only an initial step and there is still much work to be done in regulating signs control.

Terry Partee, 1112 Old Bridge Place, Vice-President of the Fort Wayne Chamber of Commerce appeared before the Commission in opposition to the proposed amendment. Mr. Partee stated that he was speaking to express the Chambers concerns with what they call "regulatory overkill". He stated that the sign ordinance that has been in place since 1986 seems to be working. He stated that the net number of new off premise billboards is only 4 signs in a period of 5 years. He stated that they are concerned with the stifling of commerce in Fort Wayne.

John Shoaff stated that the Chamber covers a wide range of activities, one of which is tourism. He questioned if Mr. Partee felt that the billboards made the city more or less attractive.

Mr. Partee stated that it worked both ways. He stated that along the highways it helps direct people to locate businesses and significant sites of interest. He stated that if you are referring to downtown he felt that any billboards that obstruct some of the churches we have should probably be removed, but that was a personal opinion.

Mark Gensic questioned how many people were members of the Chamber.

Mr. Partee stated that they have 1800 members.

Mr. Gensic questioned how many they had heard from that had an opinion regarding the new ordinance.

Mr. Partee stated it was just a handful and those few were against the ordinance.

Wil Smith questioned what the complaint against the new ordinance was from the people who called the Chamber.

Mr. Partee stated that they felt it was a way of restricting commerce, and restricting peoples ability to make a living.

Richard Borton, 905 Third Street appeared before the Commission. Mr. Borton stated that he was in opposition to the ordinance because it was not restrictive enough. He stated that he wanted it "tightened up" even more.

Tom Neizer, attorney with Barrett & McNagny, appeared before the Commission representing Burkhart Advertising. Mr. Neizer stated that he was there to express Burkhart's "vehement" opposition to

Greg Purcell stated that currently the only thing we have is a permit fee, which is 20 cents per square foot for the first side of the sign and 10 cents per square foot for the second side. He stated that the new ordinance as proposed would give the Plan Commission the authority to raise the fees at any time they saw fit. He stated that the revenues the city receives on an annual basis would be the property tax.

Steve Smith questioned if the Committee considered ongoing revenue uses fees or taxes on billboards.

Mr. Morris stated that they did not address that issue.

Bob Hutner stated that he felt the Sign Committee did a good job and as part of the BZA they had requested the Mayor to veto the previous Sign Ordinance. They felt it was not good for the city and that it was hard to work with.

Mel Smith questioned about what percentage would this reduce the cases brought before the Board of Zoning Appeals requesting a variance from the Sign Ordinance.

Wayne O'Brien stated that they would estimate 90% to a 95% reduction in certain types of requests, such as setbacks for signs.

Don Postel, 4712 Bradwood Terrace, appeared before the Commission in favor of the amendment. He stated he felt that this ordinance was a significant step forward from what the city has been living with since 1986. He presented information from two organizations one being "Scenic America" and the other "Southern Environmental Law Center". He stated that the latter has published a handbook on visual pollution and sign control. He stated that both of the organizations have been active since the early 80's. He stated that if you look at the recommendations of the two aforementioned organizations this ordinance does not satisfy all that they recommend that the community do to protect their environment and property values and to increase the safety of our roads. He stated it is however a very significant step in the right direction and therefore he supported the amendment and would like to see it become a part of the Zoning Ordinance without change. He stated if there were any changes it should be to firm up the ordinance even more.

Louis Petro, 4101 Plaza Drive, President of the Rudisill Plaza Neighborhood Association. He stated that he was speaking as a private citizen. He stated that he has been concerned for a long time that the location of off premise signs has created an attractive nuisance as conducive to a possibility for distraction and therefore accidents. He stated that in addition he was concerned about the environmental pollution that occurs by the location of certain signs that obscures very important and significant vistas within the city of Fort Wayne, particularly in

- b. Bill No. G-91-09-10 - Ordinance Amendment #488
The proposal would amend the Zoning Ordinance to include the revised Sign Ordinance, and would repeal Chapter 34, which is the existing Sign Ordinance.

Doug Morris, 1806 California Avenue, appeared before the Commission representing the Sign Ordinance Review Committee. He stated that he was Chairman of the Committee. He stated that the existing ordinance has been in effect since 1986 as a separate ordinance and they are looking to incorporate it back into the Zoning Ordinance with some changes to the due process. He stated that the ordinance was passed from the Sign Committee to the Commission on a 6 to 1 vote in favor of the ordinance as presented to the Commission. He stated that the primary and only disagreement that the Committee had was over the off-premise signage. He stated that it centered around primarily the measurement method of separation. He stated that there were two aspects discussed, one being a radial measurement and the other being a lineal measurement. Radial measurement going from the center of the base of the sign and measuring out the given separation distance, striking an arc around the sign, that would be the separation area. This method would be used in separation distance in residential areas and around churches and schools. He stated the other method of measurement which is lineal, and would be used in the other zoning classifications where signs are allowed, is where you take the center of the sign base and go perpendicular to the right of way and then measure the distance linearly from that intersection along the right of way for separation from other signs. He stated that the current ordinance that they are operating with does not specifically note how the measurement should be made for the separation. He stated it calls for a separation distance but does not state how the measurement should occur. He stated that as a member of the Board of Zoning Appeals they have discussed it in their meetings and have interpreted on a radial measurement, understanding that it seems to be the most logical way to provide the separation from the districts in question. He stated the other aspect of the ordinance that affects the off premise signage is the prohibition of new billboards or off premise signs in the Central Business District. He stated that this revised ordinance is a product of a Committee that worked hard and if passed will be very good for the city of Fort Wayne. He stated that the goals of the original sign ordinance are met even more closely with this new ordinance. He stated the ordinance was modified in some other areas of the on premise signs to make it more understandable and to make it more easily enforced. He stated the goal was visual protection of residential districts, churches and schools and protection of the city's visual integrity while allowing adequate opportunity for businesses to have adequate signage.

Steve Smith questioned if in the ordinance or the city regulations of signs, were there any user fees or taxes assessed on billboards.

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MEMORANDUM

TO: Members of the City Council

FROM: Greg Purcell *[Signature]* Director, Community & Economic Development

DATE: January 14, 1992

SUBJECT: Bill No. G-91-09-10 (as amended) (as amended) An ordinance concerning the placement of signs within the City limits of Fort Wayne, Indiana.

On November 26th, Common Council amended this proposed ordinance, and it was returned to the Fort Wayne Plan Commission along with a written statement from Councilman Henry, Chairman of the Regulations Committee, explaining the reasons for the councilmanic amendments. Attachment I is a copy of the material sent to the Plan Commission.

On December 23rd, the Fort Wayne City Plan Commission reviewed the proposed amendments and the reasons given for such action. The Plan Commission voted to reject the amendments proposed by Council on a 5 to 1 vote with Councilman Edmonds voting against the motion. This ordinance is now being returned for further consideration by the City Council.

The Plan Commission reviewed these documents and concluded that the original recommendations proposed by the planning staff, approved by the Sign Review Committee, endorsed by the Board of Zoning Appeals and concerned neighborhood associations, and, after a public hearing, approved by the Plan Commission, are in the best interest of the community. The Commission in its review and recommendations to the City Council, cites two major concerns with the Council's amended version of the Sign Ordinance. First, the Council's less restrictive version of the ordinance will allow for a greater proliferation of signs throughout the community. Second, the Council's amendment does not afford the reasonable and necessary protection to the special areas of the community, e.g. established neighborhoods, schools, churches, and historic vistas. In summation, the Plan Commission respectfully requests that City Council consider the community welfare over the special interest of a single entity.

Under State Law, Common Council's amendments stand only if confirmed by another vote within forty-five (45) days of the Plan Commission's last action. If Council fails to confirm its action under this clause, the ordinance takes effect as if the Council had

City Council

-2-

January 14, 1992

originally adopted it. We have been advised by legal staff that further amendments are not appropriate at this time, and that final action on the ordinance rests with the City Council.

GP/WEO/GB

Attachment .



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

11-26-91

MEMBER OF THE COMMON COUNCIL

Fort Wayne City Plan Commission
One Main Street, 8th Floor
City-County Building
Fort Wayne, IN 46802
November 25, 1991

RE: Bill No. G-91-09-10 (as amended) (as amended) -- An ordinance concerning the placement of signs within the City limits of Fort Wayne, Indiana.

Gentlemen & Ladies,

Dear members of the Fort Wayne City Plan Commission, on the 26th day of November, 1991, the Common Council of the City of Fort Wayne passed the attached second amended version of Bill No. G-91-09-10. A copy of the ordinance, (as amended) (as amended), is attached.

There were two amendments to this ordinance. The first of these amendments was the addition of language requiring a special use under certain circumstances. This specific amendment is embodied in the additional definition of historic district (or property eligible for historic designation) added as paragraph (zzz) to Sec. 33-3, and the amendment to Sec. 33-13 speaking of special uses. The reason for this amendment are as follows:

- 1). The special use designation will allow public input from the surrounding neighbors when a sign is placed within a zone measured radially from 125 to 350 feet from the relevant zoning classification; and
- 2). The selection of the radial distances was based upon the belief that a distance of more than 125 feet would restrict signs from areas where they would, in some instances, be appropriately erected. The 350 foot outer limit of the zone triggering notice and hearing is more restrictive than the ordinance previously submitted to the Common Council and helps ensure the integrity of the surrounding areas.

The second set of amendments referred to amendments in Section 33-72(A)(5), Section 33-72(D)(5) and Section 33-73(A)(5) with respect to separation from residential districts, churches, schools and health care facilities; separation from office districts; and separation from other signs.

PAGE TWO
LETTER TO F.W. CITY PLAN COMMISSION
RE: G-91-09-10 (as amended)(as amended)

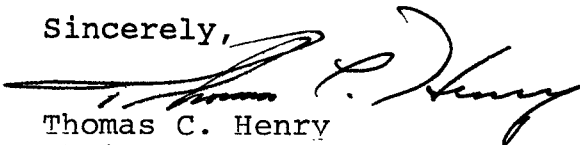
The reasons for this second set of amendments were as follows:

- 1). The maker of the amendment, Council Henry, believed that the proposed ordinance was far too restrictive (i.e. 675 foot signs allowed in M-3 zoning only; and
- 2). The proposed ordinance discriminates against off-premise signs vs. on-premise signs; and
- 3). Councilman Henry felt there was no valid explanation or supporting documentation for the 1,000 foot lineal separation from one off-premise sign to another.

In addition, his amendment addressed the following major concerns expressed by other members of the Common Council of the City of Fort Wayne. They were as follows:

- 1). The elimination of 675 foot signs in residential and business zones; and
- 2). Additional restrictions on distances from residences, churches, schools, etc.

Sincerely,



Thomas C. Henry
Chairman of the Regulations Committee

SJT/SAL/klj

Off-Premise Sign Comparisions...

11/25/91

Zone	Sq. Ft.	Proposal	Height	Setback	Distance from: Res./Church School etc.	When SPECIAL USE REQ'D (SEC 33-13 (m))	Office Dist.	Other Off-Premise
B1A	100	Plan Comm	35'	15'	500' Radial		300' Radial	1000' Lineal
B1B		Amended	35'	15'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	300' Lineal
B3B	100	Plan Comm	35'	15'	500' Radial		300' Radial	1000' Lineal
B-4		Amended	35'	15'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	300' Lineal
	300	Plan Comm	35'	20'	500' Radial		300' Radial	1000' Lineal
		Amended	35'	20'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	500' Lineal
	675	Plan Comm	N/A	N/A	N/A		N/A	N/A
		Amended	N/A	N/A	N/A		N/A	N/A
M-1	100	Plan Comm	35'	15'	500' Radial		300' Radial	1000' Lineal
M-2		Amended	35'	15'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	300' Lineal
	300	Plan Comm	35'	20'	500' Radial		300' Radial	1000' Lineal
		Amended	35'	20'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	500' Lineal
	675	Plan Comm	N/A	N/A	N/A		N/A	N/A
		Amended	35'	30'	250' Radial + 500' Lineal	250' - 350'	150' Lineal	1000' Lineal
M-3	100	Plan Comm	35'	15'	500' Radial		300' Radial	1000' Lineal
		Amended	35'	15'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	300' Lineal
	300	Plan Comm	35'	20'	500' Radial		300' Radial	1000' Lineal
		Amended	35'	20'	300' Lineal + 125' Radial	125' - 350'	150' Lineal	500' Lineal
	675	Plan Comm	35'	30'	500' Radial		300' Lineal	1000' Lineal
		Amended	35'	30'	250' Radial + 500' Lineal	250' - 350'	150' Lineal	1000' Lineal

Off-Premise Signs are not allowed in the Central Business District.

Proposed amendment...

I.) Sec. 33-3 is hereby amended to add the following:

(zzz) historic district (or property eligible for historic designation.)

As used in this ordinance, historic district or property eligible for historic designation shall mean those properties that have been designated or listed in the Cultural Resources Survey as maintained by the Historic Preservation Review Board, and on file in the offices of Community & Economic Development.

II.) Sec. 33-13 is hereby amended to add the following:

(m) In B1A, B1B, B3B, B-4, M-1, M-2, and M-3 districts, except for properties within the Central Business District, the Board of Zoning Appeals may permit off-premise signs between a one hundred twenty-five (125) foot radius and a three hundred fifty (350) foot radius from any City or County residential district, church, school, health care facility, or from any historic district (or property eligible for historic designation) consistent with the chart below.

In considering such a special use, the Board will evaluate the height, location, and sightlines that may unduly impact the character of residential districts, churches, schools, health care facilities or historic district including any property eligible for historic designation. The Board may impose reasonable conditions on the size of a sign, location, height, lighting, and sightlines that will ensure the integrity of the areas noted above. Off-premise signs adjacent to historic districts (or properties eligible for historic designation) shall be located to ensure that all sightlines and vistas of historic features are maintained, and that such signs shall not negatively effect the historic integrity of such properties.

Concurrent with filing the petition with the Board of Zoning Appeals, the petitioner shall send notice to all property owners within a three hundred fifty (350) foot radius of the petitioned location, and the registered neighborhood associations (if any) with boundaries within the three hundred fifty (350) foot radius. Notice shall include the date and time of the hearing, a copy of the petition and associated drawings, rendering or photographs (if any), and such other items as may be required by the Board of Zoning Appeals. A copy of the mailing list must be submitted with the petition.

Off-Premise Signs Authorized for Special Uses

<u>Zoning District</u>	<u>Maximum Sign Size Sq. Feet</u>	<u>Maximum Height</u>	<u>Minimum Setback</u>	<u>Distances from Residential School/Historic District For Special Use</u>
B1A & B1B	100	35'	15'	125' - 350'
B-3-B	100	35'	15'	125' - 350'
& B-4	300	35'	20'	125' - 350'
M-1,	100	35'	15'	125' - 350'
M-2, &	300	35'	20'	125' - 350'
M-3	675	35'	30'	250' - 350'

Additional amendments...

Sec 33.69 (P)

Off-premise signs located within a three hundred fifty (350) foot radius from any City or County residential district, church, school, health care facility, or from any historic district (or property eligible for historic designation) shall require Board of Zoning Appeals approval prior to the issuance of an Improvement Location Permit. Applicants should refer to Sec. 33-13 (m) for specific details and procedure.

Sec 33.72 (A) (5)

(5) Off-premise signs not exceeding one hundred (100) square feet in total area are permitted except in the Central Business District.

- (i) Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total sign area is not exceeded and the two (2) faces are not separated by more than twelve (12) inch distance.
- (ii) Such sign shall be no closer than fifteen (15) feet to the front lot line, and shall not exceed thirty-five (35) feet in height.
- (iii) Such sign shall be spaced at least ~~one-thousand~~ ~~(1000)~~ three hundred (300) lineal feet from any other off-premise sign.
- (iv) Subject to Sec. 33.69, such off-premise sign shall not be located within a ~~five-hundred--(500)~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school and, health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three--hundred--(300)~~ one hundred fifty (150) lineal feet from any City or County office district.
- (v) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and not further than twelve (12) inch at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

Sec 33.72 (D) (5)

(5) Off-premise signs are permitted as follows:

- (i) Subject to Sec. 33.69, Off-premise signs not exceeding one hundred (100) square feet in area are permitted except in the Central Business District. Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total sign area is not exceeded and the two (2) faces are not separated by more than a 12 inch distance. Such sign shall be no closer than fifteen (15) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least ~~one-thousand-(1000)~~ three hundred (300) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets. Such off-premise sign shall not be located within a ~~five-hundred-(500)~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school and, health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three-hundred-(300)~~ one hundred fifty (150) lineal feet from any City or County office district.
- (ii) In lieu of item (i) above, and subject to Sec. 33.69, off-premise signs not exceeding three hundred (300) square feet in total area are permitted except in the Central Business District. Each off-premise sign may contain a maximum of two (2) sign faces facing the same direction as long as the total area is not exceeded and the two (2) faces are not separated by more than a twelve (12) inch distance. Such sign shall be no closer than twenty (20) feet to the front lot line, and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least ~~one-thousand-(1000)~~ five hundred (500) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise sign shall not be located within a ~~five-hundred-(500)-foot~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school and, health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three-hundred-(300)~~ one hundred fifty (150) lineal feet from any City or County office district.

- (iii) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degrees (60°) and no further than twelve (12) inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

Sec 33.73 (A) (5)

(5) Off-premise signs are permitted as follows:

- (i) Subject to Sec. 33.69, Off-premise signs not exceeding one hundred (100) square feet in total area are permitted except in the Central Business District. Such sign shall be no closer than fifteen (15) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least ~~one-thousand-(1000)~~ three hundred (300) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such sign shall not be located within a ~~five hundred-(500)~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school and, health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three-hundred (300)~~ one hundred fifty (150) lineal feet from any City or County office district.

- (ii) In lieu of item (i) above, and subject to Sec. 33.69, off-premise signs not exceeding three hundred (300) square feet in total area are permitted except in the Central Business District. Such sign shall be no closer than twenty (20) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least ~~one-thousand-(1000)~~ five hundred (500) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise sign shall not be located within a ~~five-hundred-(500)-foot~~ one hundred twenty-five (125) foot radius nor within three hundred (300) lineal feet from any City or County residential district or from any church, school and, health

care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three-hundred-(300)~~ one hundred fifty (150) lineal feet from any City or County office district.

- (iii) ~~In the M-3 district only, and~~ In lieu of items (i) and (ii) above, and subject to Sec. 33.69, off-premise signs not exceeding six hundred seventy-five (675) square feet in area are permitted except in the Central Business District. Such signs shall be no closer than thirty (30) feet to the front lot line, shall not exceed a height of thirty-five (35) feet and shall be spaced at least one thousand (1000) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise signs shall not be located within a ~~five-hundred-(500)~~ two hundred fifty (250) foot radius nor within five hundred (500) lineal feet from any City or County residential district or from any church, school ~~and~~, health care facility, historic district (or property eligible for historic designation). Such off-premise sign shall not be located closer than ~~three-hundred-(300)~~ one hundred fifty (150) lineal feet from any City or County office district.

- (iv) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degree (60°) and no further apart than twelve (12) inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

January 22, 1992

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of
January 25 & February 1, 1992, in both the News Sentinel
and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-91-09-10 (as amended) (as amended)
General Ordinance No. G-01-92
Sign Ordinance

Please send us 4 copies of the Publisher's Affidavit from
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 14th day of January, 19 92, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-91-09-10 (as amended) (as amended) General Ordinance No. G-01-92 to-wit:

BILL NO. G-91-09-10 (AS AMENDED) (AS AMENDED)
GENERAL ORDINANCE NO. G-01-92

AN ORDINANCE CONCERNING THE PLACEMENT
OF SIGNS WITHIN THE CITY LIMITS
OF FORT WAYNE, INDIANA.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1: That Chapter 34 of the Municipal Code of
the City of Fort Wayne is repealed.

SECTION 2: That Chapter 33 of the Municipal Code of
Fort Wayne is hereby amended to add as follows:

ARTICLE XII Sign Ordinance

Section:	33.65	Purpose
	33.66	Definitions
	33.67	Requirement of Permit
	33.68	Maintenance and Removal
	33.69	Miscellaneous Provisions
	33.70	Residential Districts
	33.71	Office District
	33.72	Business Districts
	33.73	Industrial Districts
	33.74	Planned Districts
	33.75	Other Permitted Signs
	33.76	Temporary Signs
	33.77	Special Sign District
	33.78	Variance Procedure
	33.79	Conformity
	33.80	Nonconforming Signs
	33.81	Enforcement
	33.82	Filing Fees
	33.83	Penalties and Injunctive Relief
	33.84	Severability of Provisions of This Chapter

33.65 Purpose

The purpose of this ordinance shall be to coordinate the type, placement, and physical dimensions of signs within the different zoning districts; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; to guarantee equal treatment under the law through accurate record keeping and consistent enforcement; to protect and promote property values of the community; and to improve the appearance and aesthetic quality of the community.

33.66 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

	5	6	7	8	9	10	11	12	13	14	15	16	17
	Zoning District	Maximum Sign Size Sq. Feet	Maximum Height	Minimum Setback	Distances from Residential School/Historic District Etc. For Special Use								
	B1A & B1B	100	35'	15'	125' - 350'								
	B-3-B	100	35'	15'	125' - 350'								
	& B-4	300	35'	20'	125' - 350'								
	M-1,	100	35'	15'	125' - 350'								
	M-2, &	300	35'	20'	125' - 350'								
	M-3	675	35'	30'	250' - 350'								

SECTION 10. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and legal publication thereof.

Thomas C. Henry
Councilmember

Read the third time in full and on motion by Schmidt, seconded by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six
Edmonds, GiaQuinta, Henry, Long, Lunsey, Talarico
NAYS: Three
Bradbury, Ravine, Schmidt
ABSTAINED: None
ABSENT: None

DATED: 1-14-92
Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-01-92 on the 14th day of January, 1992.

ATTEST: (SEAL)

Sandra E. Kennedy
City Clerk

Thomas C. Henry
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of January, 1992, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 21st day of January, 1992, at the hour of 11:25 o'clock A.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General _____ Ordinance No. G-01-92, passed by the Common Council on the 14th day of January, 1992, and that said Ordinance was duly signed and approved by the Mayor on the 21st day of January, 1992, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 21st day of January, 1992.

Ft Wayne Common Council
(Governmental Unit)

To:

The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

- Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

1164 lines, 1 columns wide equals 1164 equivalent lines
at .495 cents per line

\$ 576.18

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 578.18

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: Feb 1, 19 92

Title:

Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

ATTACH COPY
OF ADVERTISEMENT
HERE

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:

1/25/92 2/1/92

Subscribed and sworn to before me this 1st day of Feb, 19 92.

Notary Public Whitley County, IN
STELBYR. LARUE

My commission expires: March 3, 1994

Claim No. _____ Warrant No. _____

IN FAVOR OF

Fort Wayne Newspapers, Inc.
Agent for The Journal-Gazette
600 West Main Street
Fort Wayne, IN 46802

\$ _____

ON ACCOUNT OF APPROPRIATION FOR

Allowed _____, 19 _____

In the sum of \$ _____

I have examined the within claim and hereby
certify as follows:

That it is in proper form

That it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently ☐ Correct ☐ Incorrect

I certify that the within claim is true and correct
that the services therein itemized and for which
charge is made were ordered by me and were
necessary to the public business.

_____, 19 _____

TABLE SHOWING PRICE PER LINE AND PER INSERTION

	Size of type	Number of insertions			
		1	2	3	4
Governmental Agencies, City, County and State	6	.330	.495	.660	.825
Individuals, Businesses, Federal Government Agencies	6	1.29	1.29	1.12	1.02

All signs, including, but not limited to, those signs for which permits are required, shall be maintained in a good state of repair, including being replaced with corrective parts, painting, cleaning and other acts required for the maintenance of said sign. The Division of Community & Economic Development shall have the right to order to respect all signs for compliance with the provisions of this ordinance.

When any sign is not maintained within the provisions of this ordinance or determined otherwise unsafe, the Division of Community & Economic Development, or their authorized representative, shall send written notice to the owner of the property on which the sign is located to remove, repair or alter the sign. If sign is not removed, repaired, or altered within the specified time period, the Division of Community & Economic Development, or their authorized representative, can cause the sign to be removed, repaired, or altered at the expense of the owner of the property in accordance with the provisions of this Chapter and as set forth under 33.63.

33.69 Miscellaneous Provisions
(A) No sign or part thereof shall be erected or maintained except in conformance with the provisions of this Chapter.

(B) Signs may be illuminated by an external light source, provided that the source shall be effectively concealed from view. Signs which incorporate in any way lighting, moving or revolving illumination are not permitted, except as provided in this Chapter and provided that the lighting illumination of any sign shall not exceed 300 foot lamberts as the sign is viewed from the property line upon which the sign is located.

(C) No sign shall blink or flash, nor be illuminated by any device so as to appear to blink or flash, except as otherwise expressly provided in this Chapter; provided, however, that signs which are illuminated by encroachment upon or overhanging any public right-of-way without the approval of the Board of Public Works, except as expressly provided in this Chapter and State law as amended. However, all other signs shall comply with the standards of this Chapter and State law as amended. (E) The standards of this Chapter shall apply to all signs, except as otherwise provided.

(F) No sign shall be painted on or attached to rocks, trees, or any other natural object, except monument signs; (G) Sign regulations for uses permitted by the Board of Zoning Appeals, and/or non-conforming uses shall be as follows:

(1) Pursuant to the restrictions and regulations for the signs in the district in which located, or

(2) A wall and/or free standing sign of up to thirty-two (32) square feet in area. A free standing sign shall not exceed six (6) feet in height nor have a front and side yard setback of less than five (5) feet.

This sub-section shall not have precedent over any direct stipulations imposed by the Board of Zoning Appeals.

(H) Strings of light bulbs are prohibited, unless as decorations associated with a recognized legal holiday or city festival, in no case to be permitted beyond a forty-five (45) day period, and consistent with all other regulations in this Chapter.

(I) One on-premise sign per development parcel may be located in residential districts B-1B, B-3B, B-4, M-1, M-2, and M-3 districts. Such sign shall be permitted up to two (2) times a calendar year not to exceed thirty (30) days per permit. Such sign shall be located thirty (30) feet from any lot line and shall not exceed thirty-two (32) square feet in area;

(J) In all nonresidential zoning districts, a roof sign may be permitted as an alternative to a permitted free-standing sign under the following conditions:

(1) The business for which the roof sign is sought offers no feasible opportunity for placement of a free-standing sign as otherwise authorized within the zoning district;

(2) The roof sign shall not be higher than the district height limit for buildings;

(3) All such roof signs shall be finished in such a manner that the visual appearance from all sides is that they are a part of the building itself;

(4) A sign on a sloping roof must be a minimum of one (1) foot below the top roof line;

(5) The permitted roof sign shall be no larger in area than the free standing sign permitted in the zoning district in which said sign is to be located;

(6) Such sign shall not be located closer than sixty (60) feet to a residential district;

(K) On-premise free-standing signs shall be located a minimum of one hundred (100) feet from all residentially-zoned districts.

A free-standing sign may be installed less than one hundred (100) feet from any residentially-zoned district provided the sign height and square footage are located in direct proportion to the distance the sign is located from a residential district. In no event shall a sign be permitted closer than twenty-five (25) feet to a residentially-zoned district;

(L) Unless the term "linear" as defined and used in this ordinance is specifically stated in any particular subsection, the means of measurement shall be determined on a radial basis.

(M) Radial measurements as used in this ordinance shall start from the center of the sign base at grade, and extend outward in a circular manner for the distance specified.

(N) Linear measurements as used in this ordinance shall start from the center of the sign base at grade as projected at a right angle to the nearest property line, and then extend as specified. Where the copy of the sign base is equidistant from two or more right-of-way lines, the more restrictive limitation shall be applied.

(O) As used in this ordinance, the Central Business District shall be defined as that area bounded by the old Penn Central railroad right-of-way to the south (located south of Baker Street), Clay Street to the north, Van Buren Street to the west, and the river to the east. The Central Business District has a unique identity and contains special circumstances found nowhere else in the city. Because the Central Business District is such a unique and individual environment it is not in the best interest of the revitalization efforts that are ongoing in this area to permit off-premise signs. Therefore off-premise signs as defined in this

erected or the identification for the entire commercial area. The copy wall signs per sign shall not exceed twenty-five (25) square feet. The surface or the square footage of a free-standing sign in that district, whichever is less.

(2) One on-premise free-standing sign identifying the entire commercial area and not exceeding the maximum square footage in area or height as provided in this section may be permitted on each public street abutting the perimeter of such district. If the frontage of a public street exceeds eight hundred (800) feet, there may be two free-standing signs permitted but not located on the same lot. Any additional sign from any other free-standing sign in addition to any single user commercial sign shall be permitted on which has an area of one (1) acre or more shall be permitted one on-premise free-standing sign, not exceeding thirty-five (35) square feet in area and four (4) feet in height.

Confirming signs are permitted in the required front yard but not closer than five (5) feet from the front property line. The maximum square footage and height for signs in each district shall be:

B-2A - Area: 200 square feet
Height: 35 feet
B-2B & B-2C - Area: 300 square feet
Height: 40 feet
B-2D - Area: 400 square feet
Height: 50 feet

(3) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90) angle to the building and shall project no more than six (6) feet with a grade below the sign shall not project above the cornice wall or roof of the building.

(4) Any proposed signs other than as permitted above shall be subject to Plan Commission review and approval as part of the development plan process. The sign regulations in subparagraph (1), (2), and (3) above may be modified by the Plan Commission with the granting of Development Plan approval in conformance with all other requirements of the applicable Development Plan procedures.

(5) Existing signs. Any on-premise sign that was legally existing prior to November 6, 1986 shall be deemed to have received Plan Commission approval as herein provided and shall not be a nonconforming sign. Such sign may be removed without Plan Commission approval for new tenants as long as the location and copy area remains the same or less than that of pre-existing sign.

C) B-3-A ZONING DISTRICT

In the B-3-A zoning district only on-premise signs are permitted.

(1) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90) angle to the building and shall project no more than six (6) feet. The sign shall not project above the cornice wall or roof of the building.

(2) On-premise wall signs on building facades attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting above or beyond the roof or top of the cornice wall, are permitted. Such wall signs shall project not more than twelve (12) inches from the facade of the building. The copy area of such wall signs per building facade shall be as follows:

(i) If the sign is located up to fifty (50) feet height above the sidewalk, it shall not exceed fifty (50) square feet;

(ii) If the sign is located over fifty (50) feet but less than one hundred (100) feet above the sidewalk, it shall not exceed one hundred (100) square feet;

(iii) If the sign is located over one hundred (100) feet above the sidewalk, it shall not exceed three hundred (300) square feet.

(3) One on-premise free-standing sign per development parcel per street frontage is permitted. Such sign shall not exceed one hundred (100) square feet (35) feet, and shall be located a minimum of five (5) feet from the front lot line and five (5) feet from the side lot line.

(4) See Section 33-69 (K) for residential spacing requirements.

(5) Strings of light bulbs may be used and signs may blink or flash, except for the area covered by the Calhoun Street Sign Ordinance. Signs having electronically changing copy area shall not exceed the provisions of paragraph (1) and (2) above.

(6) Signs located in the Calhoun Street Transit Mall shall comply with the Calhoun Street Sign Ordinance, as well as this Ordinance, and shall not be located between this ordinance and the Calhoun Street Sign Ordinance, the Calhoun Street Ordinance will apply.

(D) B-3B and B-4 ZONING DISTRICTS

(1) On-premise wall signs on the building facades or mansard roof, substantially parallel thereto, and not projecting beyond the roof or top of the cornice wall, are permitted. The copy of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face, or two hundred fifty (250) square feet whichever is less.

(2) The on-premise free-standing sign per development parcel per street frontage is permitted. Such sign shall not exceed one hundred (100) square feet in area and a maximum height of fifty (50) feet.

(3) The signs shall be no closer than five (5) feet to the front property line and no closer than five (5) feet to the side property line.

(4) See Section 33-69 (K) for residential spacing requirements.

(5) In lieu of the sign permitted in paragraph (2) above, one on-premise projecting sign for each development parcel may be permitted, provided that the sign shall project from the building a maximum of six (6) feet above the roof line or top of a cornice wall. Such sign shall have a minimum clearance of eight (8) feet above the walk or grade

erected or the identification for the entire commercial area. The copy wall signs per sign shall not exceed twenty-five (25) square feet. The surface or the square footage of a free-standing sign in that district, whichever is less.

(2) One on-premise free-standing sign identifying the entire commercial area and not exceeding the maximum square footage in area or height as provided in this section may be permitted on each public street abutting the perimeter of such district. If the frontage of a public street exceeds eight hundred (800) feet, there may be two free-standing signs permitted but not located on the same lot. Any additional sign from any other free-standing sign in addition to any single user commercial sign shall be permitted on which has an area of one (1) acre or more shall be permitted one on-premise free-standing sign, not exceeding thirty-five (35) square feet in area and four (4) feet in height.

Confirming signs are permitted in the required front yard but not closer than five (5) feet from the front property line. The maximum square footage and height for signs in each district shall be:

B-2A - Area: 200 square feet
Height: 35 feet
B-2B & B-2C - Area: 300 square feet
Height: 40 feet
B-2D - Area: 400 square feet
Height: 50 feet

(3) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90) angle to the building and shall project no more than six (6) feet with a grade below the sign shall not project above the cornice wall or roof of the building.

(4) Any proposed signs other than as permitted above shall be subject to Plan Commission review and approval as part of the development plan process. The sign regulations in subparagraph (1), (2), and (3) above may be modified by the Plan Commission with the granting of Development Plan approval in conformance with all other requirements of the applicable Development Plan procedures.

(5) Existing signs. Any on-premise sign that was legally existing prior to November 6, 1986 shall be deemed to have received Plan Commission approval as herein provided and shall not be a nonconforming sign. Such sign may be removed without Plan Commission approval for new tenants as long as the location and copy area remains the same or less than that of pre-existing sign.

C) B-3-A ZONING DISTRICT

In the B-3-A zoning district only on-premise signs are permitted.

(1) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90) angle to the building and shall project no more than six (6) feet. The sign shall not project above the cornice wall or roof of the building.

(2) On-premise wall signs on building facades attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting above or beyond the roof or top of the cornice wall, are permitted. Such wall signs shall project not more than twelve (12) inches from the facade of the building. The copy area of such wall signs per building facade shall be as follows:

(i) If the sign is located up to fifty (50) feet height above the sidewalk, it shall not exceed fifty (50) square feet;

(ii) If the sign is located over fifty (50) feet but less than one hundred (100) feet above the sidewalk, it shall not exceed one hundred (100) square feet;

(iii) If the sign is located over one hundred (100) feet above the sidewalk, it shall not exceed three hundred (300) square feet.

(3) One on-premise free-standing sign per development parcel per street frontage is permitted. Such sign shall not exceed one hundred (100) square feet (35) feet, and shall be located a minimum of five (5) feet from the front lot line and five (5) feet from the side lot line.

(4) See Section 33-69 (K) for residential spacing requirements.

(5) Strings of light bulbs may be used and signs may blink or flash, except for the area covered by the Calhoun Street Sign Ordinance. Signs having electronically changing copy area shall not exceed the provisions of paragraph (1) and (2) above.

(6) Signs located in the Calhoun Street Transit Mall shall comply with the Calhoun Street Sign Ordinance, as well as this Ordinance, and shall not be located between this ordinance and the Calhoun Street Sign Ordinance, the Calhoun Street Ordinance will apply.

(D) B-3B and B-4 ZONING DISTRICTS

(1) On-premise wall signs on the building facades or mansard roof, substantially parallel thereto, and not projecting beyond the roof or top of the cornice wall, are permitted. The copy of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face, or two hundred fifty (250) square feet whichever is less.

(2) The on-premise free-standing sign per development parcel per street frontage is permitted. Such sign shall not exceed one hundred (100) square feet in area and a maximum height of fifty (50) feet.

(3) The signs shall be no closer than five (5) feet to the front property line and no closer than five (5) feet to the side property line.

(4) See Section 33-69 (K) for residential spacing requirements.

(5) In lieu of the sign permitted in paragraph (2) above, one on-premise projecting sign for each development parcel may be permitted, provided that the sign shall project from the building a maximum of six (6) feet above the roof line or top of a cornice wall. Such sign shall have a minimum clearance of eight (8) feet above the walk or grade

in any nonresidential district, occupants of sixty percent (60 %) or more of the street frontage of any block face, may petition the City Plan Commission for the formation of a special sign district for the purpose of defining an area of particular historical, ethnic, cultural or entertainment atmosphere. Those occupants shall petition for such a proposed sign district. Plans shall pertain to the proposed sign district to the City Plan Commission for review and approval.

33.69 Variance Procedure

The Board of Zoning Appeals shall approve or deny variances of use from the terms set forth here. The Board may impose reasonable conditions as part of its approval, however, a variance may be approved under this section only upon a determination in writing that:

(1) The proposed sign is in the public interest; (2) The proposed sign is in the public interest; (3) The proposed sign is in the public interest;

permit on-premise signs between a one hundred twenty-five (125) foot radius and a three hundred fifty (350) foot radius from any City or County residential district, church, school, health care facility, or historic district, and shall be subject to the following: (a) The proposed sign shall be consistent with the character of the historic district, and shall not be located closer than one hundred fifty (150) feet from any City or County office district.

(b) Use Variance
The Board of Zoning Appeals shall approve or deny variances of use from the terms set forth here. The Board may impose reasonable conditions as part of its approval, however, a variance may be approved under this section only upon a determination in writing that:

(1) The proposed sign is in the public interest; (2) The proposed sign is in the public interest; (3) The proposed sign is in the public interest;

in any nonresidential district, occupants of sixty percent (60 %) or more of the street frontage of any block face, may petition the City Plan Commission for the formation of a special sign district for the purpose of defining an area of particular historical, ethnic, cultural or entertainment atmosphere. Those occupants shall petition for such a proposed sign district. Plans shall pertain to the proposed sign district to the City Plan Commission for review and approval.

33.69 Variance Procedure

The Board of Zoning Appeals shall approve or deny variances of use from the terms set forth here. The Board may impose reasonable conditions as part of its approval, however, a variance may be approved under this section only upon a determination in writing that:

(1) The proposed sign is in the public interest; (2) The proposed sign is in the public interest; (3) The proposed sign is in the public interest;

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(1) The proposed sign is in the public interest; (2) The proposed sign is in the public interest; (3) The proposed sign is in the public interest;

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(1) The proposed sign is in the public interest; (2) The proposed sign is in the public interest; (3) The proposed sign is in the public interest;

(b) Use Variance
The Board of Zoning Appeals shall approve or deny variances of use from the terms set forth here. The Board may impose reasonable conditions as part of its approval, however, a variance may be approved under this section only upon a determination in writing that:

(1) The proposed sign is in the public interest; (2) The proposed sign is in the public interest; (3) The proposed sign is in the public interest;

(b) Use Variance
The Board of Zoning Appeals shall approve or deny variances of use from the terms set forth here. The Board may impose reasonable conditions as part of its approval, however, a variance may be approved under this section only upon a determination in writing that:

(1) The proposed sign is in the public interest; (2) The proposed sign is in the public interest; (3) The proposed sign is in the public interest;

(b) Use Variance
The Board of Zoning Appeals shall approve or deny variances of use from the terms set forth here. The Board may impose reasonable conditions as part of its approval, however, a variance may be approved under this section only upon a determination in writing that:

(1) The proposed sign is in the public interest; (2) The proposed sign is in the public interest; (3) The proposed sign is in the public interest;

(b) Use Variance
The Board of Zoning Appeals shall approve or deny variances of use from the terms set forth here. The Board may impose reasonable conditions as part of its approval, however, a variance may be approved under this section only upon a determination in writing that:

FT Wayne Common Council
(Governmental Unit)

To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines
Head -- number of lines
Body -- number of lines
Tail -- number of lines
Total number of lines in notice

COMPUTATION OF CHARGES

1164 lines, 1 columns wide equals 1164 equivalent lines
at .495 cents per line \$ 576.18
Additional charge for notices containing rule or tabular work (50 percent of above amount)
Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 2.00
TOTAL AMOUNT OF CLAIM \$ 578.18

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 2
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: Feb 1, 19 92 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

ATTACH COPY
OF ADVERTISEMENT
HERE

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:
1/25/92 2/1/92

Subscribed and sworn to before me this 1st day of Feb 19 92.

Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1994

Claim No. _____ Warrant No. _____

Fort Wayne Newspapers, Inc.
Agent for The News-Sentinel
600 West Main Street
Fort Wayne, IN 46802

\$ _____

ON ACCOUNT OF APPROPRIATION FOR

Allowed _____, 19 _____

In the sum of \$ _____

I have examined the within claim and hereby
certify as follows:

That it is in proper form

That it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently ☐ Correct ☐ Incorrect

I certify that the within claim is true and correct
that the services therein itemized and for which
charge is made were ordered by me and were
necessary to the public business.

_____, 19 _____

TABLE SHOWING PRICE PER LINE AND PER INSERTION

	Size of type	Number of insertions			
		1	2	3	4
Governmental Agencies, City, County and State	6	.330	.495	.660	.825
Individuals, Businesses, Federal Government Agencies	6	1.29	1.29	1.12	1.02

